

The Jan 2006 edition of the UDC below is a working copy of the October 2005 UDC and the annual amendments contained in city ordinance No. 101816 prepared by the Development Service Department for staff use and stakeholder convenience. If the reader requires a legal copy of the UDC they should contact the City Clerk's Office and request a copy of the Oct. 2005 UDC and a copy of city Ord. No. 101816. For additional information concerning obtaining copies of the UDC contact Bill Telford at (210) 207-7879.

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## **35-B101 Specifications for Documents to be Submitted**

### **(a) Generally**

The purpose of this chapter is to streamline the development approval process by prescribing the information necessary for complete review of an application for development approval. No application for development approval shall be considered complete, and the applicable director or any other agency or official of the city shall not process any application for development approval, unless all of the information prescribed therefore in this appendix is included. The applicable director or any other agency or official of the city shall not delay the processing of any application for development approval if it contains the information prescribed by this appendix.

### **(b) Forms**

The applicable director shall promulgate necessary forms for the administration, interpretation and enforcement of this chapter. The applicable director shall maintain such forms at the offices of the department of development services. The forms shall require the information set forth in this Appendix for any Application for Development Approval.

### **(c) Information Required**

No application for development approval shall be accepted unless the following information and data required is included. The required information and data is set forth in Table B-1, below, and any specific regulations set forth in §§ 35-B102 et seq. An asterisk (\*) indicates that the item listed in the row heading is required for the item listed in the column heading.

TABLE B101-1

A	B	C	D	E	F	G
(A) MATERIAL/INFORMATION	MASTER DEVELOPMENT PLAN	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT
A. GENERAL						
(1) Proposed name of subdivision or development if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in the County.	*	*	*	*		
(2) City assigned Master Development Plan ID number	*	*	*	*		
(3) City assigned Plat ID number			*	*		
(4) ERZD designation note as applicable			*	*		
B. OWNERSHIP						
(1) Name and address of owner of record, developer and designer.	*	*	*	*		
(2) The names of all adjacent property owners as shown on current tax records.	*	*				
(3) Certificate of agency or power of attorney if other than owner	*	*	*	*		
(4) Names and lot numbers of adjacent plats			*	*		
(5) A table shall be provided on each sheet of the plat indicating the lots on which required ADA passing space are required. The passing space shall meet then current ADA regulations concerning size slopes and distance separation.			*	*		
C. APPROVALS						
(1) Signature blocks prepared for the dated signatures of the chairperson and secretary (director of development service or assignee) of the authorized approval entity.	*	*	*	*	*	

TABLE B101-1

A		B	C	D	E	F	G
(A) MATERIAL/INFORMATION		MASTER DEVELOPMENT PLAN	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT
D. LEGAL							
(1)	Owner's certificate of consent including a legal description of the boundaries of the proposed development and the dedication of public ways or spaces. This certificate shall be signed, dated, and notarized prior to recording the instrument.			*	*		
(2)	Proposed covenants on the property, if any, including a map and legal description of area affected.		*				
(3)	Copies of maintenance agreements for privately owned drainage facilities.			*	*		
E. PROPERTY SURVEY AND TOPOGRAPHIC							
(1)	Two points identified by Texas Planes Coordinates	*	*	*	*		
(2)	Basis of bearings used and a north point.	*	*	*	*		
(3)	Boundary of the development and total acreage encompassed, thereby described and mapped at an appropriate scale.	*	*				
(4)	Legal description and exhibit of the property at appropriate scale showing the boundary. Description may be related to the USGS, state grid north, if two adjacent corners are shown.			*	*		
(5)	Topographic contour intervals of no greater than ten (10) feet.	*					
(6)	Existing topography with maximum contour interval of two (2) feet, except where existing ground is on a slope of less than five percent (5%) then either one foot contours or spot elevation shall be provided where necessary.		*	*	*		
(7)	All monuments erected, and corners established in the field. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown.			*	*	*	
F. PLANNING							
(1)	Date of preparation.	*	*	*	*		

TABLE B101-1

A		B	C	D	E	F	G
(A) MATERIAL/INFORMATION		MASTER DEVELOPMENT PLAN	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT
(2)	Graphic and written scale and north arrow	*	*	*	*		
(3)	A location map at a scale of not less than 1" = 2,000' indicating the location and distance in relation to adjacent streets and all surrounding major thoroughfares. The location map is to be located in the top left hand corner of the sheet.	*	*	*	*		
(4)	Total area of property	*	*	*	*		
(5)	All existing easements or right-of-way and street names, including those contiguous to the development area, their nature, width, and the volume and page number of their recording.			*	*		
(6)	All existing easements or right-of-way with street names impacting the development area, their nature and width.	*	*				
(7)	The location and widths of all proposed public and private streets within the development's boundaries.			*	*		
(8)	The approximate location and widths of all proposed public and private streets within the development's boundaries.		*				
(9)	The approximate location and widths of all proposed public and private streets major thoroughfares, collectors and local b streets within the development's boundaries. For Master Plans (MDPs) 100 acres or less, the double line representation of all streets shall be required. (See exhibit "A")	*					
(10)	The location of all proposed uses or zoning classifications as applicable and the maximum allowable intensity (residential density or non-residential FAR)		*				
(11)	The location and general nature of proposed uses and proposed intensity (residential density or non-residential FAR)	*					
(12)	Notation of any restrictions required by the City Council in accordance with this Ordinance.		*				
(13)	Notation of any restrictions required as part of the platting process in accordance with this Ordinance.			*	*		
(14)	The location of all entrances onto existing and/or proposed adjacent roadways, whether existing or proposed.	*	*				
(15)	The location and dimensions of all proposed or existing lots.		*	*	*		

TABLE B101-1

A		B	C	D	E	F	G
(A) MATERIAL/INFORMATION		MASTER DEVELOPMENT PLAN	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT
(16)	The location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision, where applicable.	*	*	*	*		
(17)	A development phasing schedule including the sequence for each phase; approximate size in area of each phase; and, proposed phasing of construction of public improvements, recreation and common open space areas.	*	*				
(18)	The schematic location of all existing and proposed streets, as well as proposed access points. For master development plans (MDPs) greater than 100 acres and more than one sheet is necessary to accommodate the entire site, single line representation of all streets not listed in subsection (9) shall be allowed or the engineer can choose to submit a supplemental for his development showing all streets in double line representation. Additional supplemental plans shall be submitted as additional segments of the original master plan are developed. (See Exhibit "B")	*	*				
(19)	The schematic location of the pedestrian circulation system including walkways and bicycle paths, where applicable.	*	*				
(20)	(Conservation subdivisions only) A slope analysis of the proposed development site, showing slopes for the following percent of existing grades: 0-10%, 10-20%, 21-30%, 31-40%, and slopes exceeding 40%, including a tabulation of the number of acres in each slope percentage.	*	*				
(21)	A delineation of EARZ, wetlands and floodplains. Conservation subdivisions and PUD Plans shall also delineate woodlands.	*	*				
(22)	The location, acreage, category and type of improvements, if any, for active and passive open space, including Greenbelt and active recreation space areas, private recreational areas.	*	*				
(23)	Tabulation of the number of acres in the proposed development, showing the total number of lots, and area of open space for the site including the following:						
	a. Square footage of all buildings and structures.		*				*
	b. For non-residential uses, multi-family dwellings, and any portion of a site located within the EARZ, the approximate location and area of impervious cover.		*				*
	c. Square footage of all paved or otherwise hard surfaced streets, parking facilities, including curb and gutters, walks, loading areas, and asphalt or concrete aprons for solid waste containers, signs or outdoor mechanical equipment.						*

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(A) MATERIAL/INFORMATION		MASTER DEVELOPMENT PLAN	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT
(24)	A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan: (note: this information shall not be required to be shown on the plat)						
	a. Total number of dwelling units, by development phase;	*	*				
	b. Residential density and units per acre;	*	*				
	c. Total floor area and floor area ratio for each type of use;		*				
	d. Total area in passive open space;		*				
	e. Total area in active developed recreational open space; and		*				
	f. Total number of off-street parking and loading spaces.		*				
(25)	Traffic Impact Analysis (section 35- 502)	*	*	*	*		
(26)	Utilities Plan		*	*			
H. DESIGN							
(1)	Sufficient data to determine readily and reproduce accurately on the ground the location, bearing and length of every street and alley line, lot line, building line, easements required hereunder or of record in Bexar County or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1:10,000. In closed traverses, the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of seven and one-half (7.5) seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than ninety (90) seconds, whichever is smaller. Said information shall be provided on tracing cloth or reproducible Mylar and on a diskette in ArcInfo or ArcView software, or a computer file with a ".dxf" format which is translatable to ArcView.			*	*		

TABLE B101-1

A		B	C	D	E	F	G
(A) MATERIAL/INFORMATION		MASTER DEVELOPMENT PLAN	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT
(2)	Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of adjacent property owners or subdivision name when adjacent property is a platted subdivision from the latest certified assessment rolls	*		*	*		
(3)	Final location, arrangement and dimensions of all proposed and existing lots.			*	*		
(4)	Lots numbered as approved by the City.		*	*	*		
(5)	.Layout shall show setbacks for areas located in the ETJ. (setbacks are not required for plats inside the city limits).		*	*	*		*
(6)	Off-street parking and loading areas and structures, including the number of spaces; dimensions of spaces and aisles; and landscaping for parking areas.		*				*
(7)	Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way, as part of a request for LOC			*	*		
(8)	Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage, as part of a request for LOC			*	*		
(9)	All roadway locations and dimensions, their names, numbers, and rights-of-way with profiles and cross sections of all proposed streets showing proposed cuts and fills, as part of a request for LOC.			*	*		
(10)	Location and size of existing water and sewer mains together with intended water sources and sewage disposal sites, as part of a request for LOC			*	*		
(11)	Location of existing springs or public water supply, as part of a request for LOC			*	*		
(12)	Location of proposed water and sewer lines, as part of a request for LOC.			*	*		
(13)	Location of proposed fire hydrants, as part of a request for LOC.		*	*	*		



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(A) MATERIAL/INFORMATION		MASTER DEVELOPMENT PLAN	PUD PLAN	MAJOR PLAT APPLICATION	MINOR PLAT APPLICATION	DEVELOPMENT PLAT APPLICATION	SPECIFIC USE PERMIT
(14)	A tree affidavit/permit application (section 35-B123)			*	*		
(15)	The location, dimensions and type of all walls, fences (other than fences on private residential lots) and landscaping.						*
(16)	Tree stand delineation (Section 35-B125 General)	*					
(17)	Location and size in acres of school sites, as applicable.	*	*	*	*		
(18)	The exterior boundaries as indicated from deeds or other instruments of the development area giving lengths and bearings of the boundary lines. If the proposed development is bounded by a watercourse, a closing meander traverse of that boundary shall be made and shown on the site plan. Where curving boundaries are used, sufficient data to establish the boundary on the ground shall be given; including the curve's radius, central angle, and arc length.	*	*	*	*	*	
(19)	A stormwater management plan (section 35-B119)	*	*	*	*	*	* <sup>1</sup>
(20)	Street, alley and cross walkway plans (section 35-B120)			*			

\*1 Specific Use Permits shall only require a storm water management plan when the site is located over the Edward Recharge Zone (ERZD).

**(d) Certifications**

Where any provision of this section requires a certification and/or signature by the applicant, a professional, or a public agency or official, the signature lines shall be provided in the lower right-hand corner of the plans, plats, or other required documents.

**(e) Digital Plat Requirements****(1) Generally.**

- A. Plat information shall be provided to the City of San Antonio in two (2) forms -- as hard copy subdivision plat sheets and as plat digital data. The purpose of the plat digital data requirement is to coordinate with the City's GIS program and is to be used for information only. Unlike the hard copy subdivision plat, which represents a legal document, the plat digital data may be subjected to adjustment by the City and would have no legal significance. However, the plat digital data may be used to assist City officials in analyzing, understanding, interpreting and presenting the data.
- B. Digital data of subdivision plats will consist of graphical elements representing the hard copy subdivision plat. The applicant shall provide digital data twice during the subdivision review process -- initially, when the subdivision plat is submitted to the department of public works for plan review, and secondly, before the subdivision plat is approved by the planning commission. Additional digital submittals are required if changes occur between the second digital submittal and the recordation of the plat. The final digital submittal would reflect the graphical elements of the recorded plat.
- C. The initial digital data submittal shall include the subdivision boundary, as a minimum. The diskette shall bear a label similar to that of the final diskette, as described in subsection (a)(7), below, with the exception of the plat number.
- D. The final digital data diskette(s) may be submitted with the final subdivision plat documents to the planning department. The final digital data diskette(s) must be submitted before the subdivision plat is considered complete and ready for the planning commission consideration.
- E. The digital data submittals are subject to review and approval as a condition to the subdivision plat review and approval process. The X - Y coordinates indicated with the initial submittal will be subject to approval, as per § 35-B121 of the Unified Development Code. If an error is found to exist in the digital data which the City cannot correct, or if the digital data is otherwise unacceptable, the City will contact the submitting organization to have the digital data corrected.
- F. Both the digital files and hardcopy files must contain all the elements consistent with accurately defining the geometry and global position of the proposed subdivision. In addition, the following two key data elements are also required on Plat submittals.

1. All new street names must have been approved by the U. S. Postal Service and shown on the hardcopy and digital Plat submittals. The City will no longer accept unnamed street designations such as street "A".
2. The City must be able to determine from the plat a correct tax account number made up of NCB (5 digits), Block (3 digits), and Lot number for each proposed lot. Information on the plat will allow the creation of a correct and therefore unique tax account number for every proposed lot. The City will no longer accept invalid block numbers such as Block "D".

Failure to provide approved street names and correct and unique NCB, block, and lot numbers may result in significant delays as no plat will be approved until this key data is determined.

**(2) Control Points and Monumentation Guidelines.**

- A. Primary horizontal control points will be used when surveying each tract being subdivided. These primary horizontal control points must be established by using centimeter-grade accuracy GPS devices and procedures and methods that meet the Texas Board of Land Surveyor's minimum standards 22 TAC, part 29 ("the Standards"). The precision of the monumentation will be in accordance with section 663.15 of the Standards. New primary horizontal control points must be established and monumented for each subdivision.
- B. Primary horizontal control points shall be tied to at least one National Geodetic Survey (NGS) mark and the point will be identified datum point on both the hardcopy and digital plat submittals.
- C. The minimum number of required primary horizontal control points (reference corners) is based upon the overall plat size in acres as follows:

Plat Size	Number of Points
20 acres or less	2 points
20 + to 50 acres	3 points
greater than 50 acres	4 points

- D. The X-Y coordinates for each of the primary horizontal control points and consistent and appropriate bearings between each of the primary horizontal control points should be provided. These primary horizontal control points will be provided in NAD83 U.S. survey feet, State Plane Coordinates for Texas South Central Zone (Zone Number 4204).
- E. All primary horizontal control points shall be permanently identified with monumentation set to Texas Board of Land Surveyor's minimum standards, Section 663.17.

**(3) Data Layer/Level Requirements.**

Data will be separated into the following feature categories, each residing on its own unique level or layer. Any layer name or level number is acceptable as long as each feature set is on its own individual layer or level.

***Layer and Level Element Types***

<b><i>Feature</i></b>	<b><i>Element Types</i></b>
Subdivision Boundary Data	<b>Lines and Curves</b>
Control Points and Ties to Boundary Text	Points and Cells
Text*	Text
Primary Lot Line Data	Lines and Curves
Right-of-way Centerline Data	Lines and Curves
Right-of-way Data	Lines and Curves
Easement Data	Lines and Curves

(\*Subdivision plat certification data is not required to be included in the plat digital data.)

**(4) Additional Digital Criteria.**

The following additional criteria will apply to data submitted digitally:

- A. Cells shall be fully expanded.
- B. Curves shall only be used to represent irregular boundaries.
- C. The subdivision outside boundary shall be transmitted as a closed figure. For example, the subdivision boundary would be represented as one polyline rather than a series of lines, arcs, and curves. This will assure closure of the subdivision perimeter.
- D. Curvilinear boundaries -- not lines or arcs -- will be represented by sufficient points to unambiguously define the boundary. Examples of curvilinear boundaries might include the centerline of a stream, high water mark, contour lines, and transition curves on railroads.

**(5) Formats for Graphical Data.**

Any of three formats are allowed for digital plat data submitted to the public works department -- DXF (generic), DWG (AutoCAD), and DGN (Microstation).

- A. DGN (Microstation) (Bentley)

This is the graphics format used by the City of San Antonio, so no conversion is required when data is provided in this format. The Microstation software used to produce these files should be the most current or prior version of the product. Files produced using software over two releases old may not be accepted. DGN

files created on diskette for delivery to the City will be created as ASCII files. No reference files will be attached to DGN files submitted to the City.

B. DWG (AutoCAD) (Autodesk)

This file format is used by Autodesk with their AutoCAD product. This is the preferred way for AutoCAD users to transfer files to the City. The AutoCAD software used to produce these files should be the most current or the prior version of the product. File produced using software over two releases old may not be accepted. "Paper Space" will not be used as part of the drawing file being submitted.

C. DXF (All Others) (Drawing Exchange File)

DXF is an exchange format developed by Autodesk for use with their AutoCAD product. This format is the preferred exchange format for organizations that use graphics software provided by vendors other than Bentley or Autodesk. Only the ASCII output file option will be accepted for this exchange format. A binary DXF output format option is available, but it will not be accepted as a valid exchange format. The software used to produce these files should be compatible with the current or prior versions of Microstation or AutoCAD. Files produced using file compatibility over two releases old may not be accepted.

**(6) File Naming Conventions.**

The Applicant shall submit one file for each plat that is submitted to the City. File naming conventions will **be used** as follows with "xxxxx" representing the assigned plat number.

Plat submitted from AutoCAD	xxxxx.DWG
Plat submitted from Microstation	xxxxx.DGN
Plat submitted from other software products	xxxxx.DXF

**(7) Media Requirements and File Creation.**

The City will accept files on DOS 3.5" High Density (1.4 Mb) diskettes or on 650 Mb CD's. Files created on diskette or CD for delivery to the City will be produced using Windows output formats. WinZip may be used to compress the files being submitted. Diskettes and CD's will be labeled with the following information:

Plat number, subdivision name, number of files (sheets) on the diskette or CD, disk creation date, company name, and contact name and phone number.

**(8) Fees for City Workstation Operator Services.**

If the submitting organization elects to submit the hard copy only, the City will produce digital data from the hard copy as part of the map checking process, but will charge the submitting organization at the rate of \$30 per hour for workstation operator services.

**(9) City's Use of Digital Data.**

The City staff may make minor corrections to the digital data if the file needs correcting due to minor differences between the hard copy plats and the digital data, or if other minor errors, such as layering errors are detected. In instances where differences exist, the information provided on the hard copy plats will take precedence over the digital information. The digital information has no legal significance.

**(f) Digital Requirements for Street and Drainage Construction Plan Submittals****(1) Generally.**

- A. Street and drainage construction plan drawings shall be provided to the City of San Antonio in two (2) forms -- as traditional hard copy Mylar drawings and as drawing digital data. The purpose of the drawing digital data requirement is to allow for improved document storage, retrieval, and review within various city departments, and is to be used for information purposes only. Unlike the hard copy documents which are signed and sealed legal documents, the drawing digital data will have no legal significance. However, the drawing digital data may be used to assist city employees in analyzing, understanding, interpreting and presenting the data.
- B. Drawing digital data will consist of the graphical elements represented on the final hard copy street and drainage construction plans submitted to the City. Signatures, seals, stamps, and other non-graphical drawing elements are not required as part of the drawing digital data submittal.

Drawing digital data submittals, delivered to the City on CD(s) or diskette(s), are required as a condition to the final approval of the street and drainage drawing set. If the City determines an error is found to exist in the digital data including the inability to read the media on which the drawing data is delivered, discrepancies between the hard copy drawings and the digital data, or if the digital data is otherwise unacceptable, the City will contact the submitting organization to have the digital data corrected and/or redelivered to the City prior to public works issuance of the letter of certification.

**(2) Data Layer/Level Requirements.**

Data will be separated into the following feature categories on digitally submitted street plan and profile drawings with each feature type residing on its own unique level or layer. Any layer name or level number is acceptable as long as each feature set is on its own individual layer or level.

***Layer and Level Element Types***

<b><i>Feature</i></b>	<b><i>Element Types</i></b>
Property and Lot Boundary Data	Lines, and Curves and Text
Curb Lines	Lines and Curves

Wheel Chair Ramps	Lines, and Curves, and Blocks
Edge of Pavement	Lines and Curves
Sidewalks	Lines and Curves
Drainage Inlets	Lines, and Curves, and Blocks
Easement Data	Lines and Curves
Contour Lines and Elevations	Lines and Curves Polylines and Text

**(3) Additional Digital Criteria.**

The following additional criteria will apply to data submitted digitally:

- A. Cells shall be fully expanded.
- B. Curves shall only be used to represent irregular boundaries.
- C. Curvilinear boundaries -- not lines or arcs -- will be represented by sufficient points to unambiguously define the boundary. Examples of curvilinear boundaries might include the centerline of a stream, high water mark, contour lines, and transition curves on railroads.

**(4) City-Provided Standard Detail Sheets in a Digital Format.**

The City's drainage and capital programs departments will provide standard details in a digital format to anyone requesting the files. The request should include whether the files should be provided in AutoCad (DWG), MicroStation (DGN), or Generic (DXF) format. These files may be e-mailed to the requestor, or provided on diskette. Since the City does not use AutoCad, the requests for this format will be performed using the conversion software available within MicroStation, and is provided with no claims as to the requestor's ability to read or use the delivered files.

**(5) Formats for Graphical Data.**

Any of three formats are allowed for drawing digital data submitted for approval by the public works department -- DXF (generic), DWG (AutoCAD), and DGN (Microstation).

- A. DGN (Microstation) (Bentley)

This is the graphics format used by the City of San Antonio. The Microstation software used to produce these files should be the most current or prior version of the product. Files produced using software over two releases old may not be accepted. No reference files will be attached to DGN files submitted to the City.

- B. DWG (AutoCAD) (Autodesk)

This file format is used by Autodesk with their AutoCAD product. This is the preferred way for AutoCAD users to transfer files to the City. The AutoCAD software used to produce these files should be the most current or the prior version of the product. Files produced using software over two releases old may not be accepted. No reference files will be attached to DWG files submitted to the City.

**C. DXF (All Others) (Drawing Exchange File)**

DXF is an exchange format developed by Autodesk for use with their AutoCAD product. This format is the preferred exchange format for organizations that use graphics software provided by vendors other than Bentley or Autodesk. Only the ASCII output file option will be accepted for this exchange format. The software used to produce these files should be compatible with the current or prior versions of Microstation or AutoCAD. Files produced using file compatibility over two releases old may not be accepted.

**(6) File Naming Conventions.**

The applicant shall submit one file for each drawing sheet that is submitted to the City. File naming conventions and extensions will be used as follows:

Drawings submitted from AutoCAD	xxxxxx-yyya.DWG
Drawings submitted from Microstation	xxxxxx-yyya.DGN
Drawings submitted from other software products	xxxxxx-yyya.DXF

“xxxxxx” is the plat number assigned by the city’s department of development services prior to drawing submittal,

“yyy” is the sheet number of the drawing in the submitted set, and

“a” is used to allow insertion of additional sheets in their proper place within the drawing set when appropriate.

Leading zeros should be used in both the 6-digit plat number and the 3-digit sheet number to assure proper sorting by file name. For example, an AutoCad file containing sheet 12 of 56 for plat number 010233 would be named 010233-012.DWG.

A new sheet inserted into the set late in the approval process after sheet numbers have been assigned – in this example, to follow Sheet 12 - would be identified by file name 010233-012A.DWG

**(7) Media Requirements and File Creation.**

The City will accept files on DOS 3.5" high density (1.4 Mb) diskettes or on 650 Mb CD's. Files created on diskette or CD for delivery to the City will be produced using Windows output formats. WinZip may be used to compress the files being submitted. Diskettes and CD's will be labeled with the following information:

Plat number, subdivision name, number of files (sheets) on the diskette or CD, disk creation date, company name, and contact name and phone number.

**(8) City's Use of Submitted Digital Data.**



The City staff may make minor corrections to the drawing digital data if the information needs correcting due to minor differences between the hard copy sheets and the digital data, or if other minor errors, such as layering errors are detected. In instances where differences exist, the information provided on the hard copy Mylar drawings will always take precedence over the drawing digital data. The digital information has no legal significance.

(Ord. No. 95573 § 9, Amendment "I") (Ord. No. 97332 § 8) (Ord. No. 98697 § 1)

### **35-B102 Citizen Participation Plan**

Documentation of citizen participation should include the following information:

- (a)** The residents, property owners, interested parties, political jurisdictions and public agencies that may be affected by the application;
- (b)** How those interested in and potentially affected by an application were notified that an application has been made;
- (c)** How those interested and potentially affected parties were informed of the substance of the change, amendment, or development proposed by the application;
- (d)** How those affected or otherwise interested were provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing;
- (e)** The applicant's schedule for continued citizen participation during the application processing stage and development.
- (f)** How the applicant will keep the planning department informed on the status of their citizen participation efforts.

### **35-B103 Development Plat Application**

#### **(a) Number of Copies**

As set forth in 35-433, the director may require the applicant to submit up to seven (7) blue or black-line folded prints of the final development plat and letters of certification with city department and or agency reviews. In addition to the hard copies, information shall be submitted in a digital data format as outlined in 35-B101.

#### **(b) Format**

The development plat boundary survey shall be drawn on sheet(s) no larger than 18" inches wide and 24" inches long with appropriate side margins. Development plat shall be drawn at a scale of

hundred (100) feet to one (1) inch (1"= 100') unless a smaller scale is approved by the Planning Director. Where more than one sheet is necessary to accommodate the entire area to be developed, an index sheet showing the entire area at an appropriate scale shall be attached.

**(c) Contents**

The development plat shall be prepared as a boundary survey showing:

- (1) All of the information required by Table B-1 of this Appendix.
- (2) Each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvements;
- (3) Each easement and right-of-way within or abutting the boundary of the surveyed property; and
- (4) The dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part.
- (5) A title clearly stating "Development Plat" at the top, the name of the property owner, and the signature and seal of the preparing surveyor.
- (6) Sufficient topographic information mapping shall be accomplished and shown on the development plat for the review and determination of any proposed drainage easements.

**(d) Certification**

A development plat must be prepared and signed by a registered professional land surveyor.

**35-B104 Drainage Plans**

See Stormwater Management Plans, § 35-B119.

**35-B105 ERZD Documentation**

**(a) Aquifer Protection Plan**

- (1) **Number of Copies.**

The applicant shall provide fifteen (15) folded prints and computer disk of the proposed ERZD Documentation. One 8 ½" X 11" reduced copy of the plan shall also be provided.

**(2) Format.**

Plats shall be drawn in India ink on Mylar on sheets eighteen (18) inches wide and twenty-four (24) inches long, with a margin of two and one-half (2 1/2) inches on the left side of the sheet, and appropriate margins on the other three (3) sides. Plats shall be drawn at a scale of one hundred (100) feet to one (1) inch unless a smaller scale is approved by the director of planning. Plats which include one-half (1/2) acre or less in area shall be drawn at a scale of fifty (50) feet to one (1) inch.

Where more than one (1) sheet is necessary to accommodate the entire area to be subdivided, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

**(3) Contents.**

The application and site development plan for a Aquifer Protection Plan within the ERZD shall contain the information required by this section unless the San Antonio Water System determines that, due to the scope and nature of the proposed development, some of the information is unnecessary:

- A. The date, scale, north point, and key plan showing the location of the tract on which the development is to take place.
- B. The existing boundary lines, and acreage of the tract on which the development is to take place, and the common boundary lines and names of the owners of adjacent properties.
- C. Identification of all floodplain preservation areas, floodplain buffer zones, significant recharge features and buffer zones, and all such other areas with restrictions as required by this article.
- D. A detailed erosion/sedimentation control plan and construction sequencing plan required by § 35-521(g).
- E. A detailed drainage plan and street layout that comply with the requirements of this division.
- F. Engineering drawings showing compliance with the applicable requirements of this division for control strategies on development.
- G. A report, site plan, and other relevant information addressing the best management practices as required by §35-521(p).
- H. A topographic map, drawn to a scale of one hundred (100) feet to one inch, or in an appropriate scale. The map should display, according to the best information available, topographic information and features (including, but not limited to, faults and fractures along waterways and sinkholes), and the floodplain preservation areas.

- I. The location, type of use, and total percentage of proposed and existing impervious cover on the site, in conformance with this division.
- J. Location of all temporary and permanent runoff detention basins, constructed and altered waterways and other physical facilities to be installed to comply with the terms of this division.
- K. An affidavit from the appropriate affiant showing accepting legal and financial responsibility for structural controls, maintenance cost, monitoring, and remediation.
- L. Final plans for underground utility installation shall be submitted with the site development plan and shall show minimum construction corridor widths.
- M. Location of all monitoring stations, sample points or other significant devices used in measuring or assuring water quality.
- N. Any baseline data from surface water samples required to be taken or maintained under regulations established by the San Antonio Water System.
- O. A maintenance plan which provides the proposed schedule and details of maintenance which will be performed to ensure the proper operation and effectiveness of all control structures.
- P. Special notes or attachments as may be required by other sections of this division.

**(4) Certification.**

The site plan required by this section shall be sealed by a registered engineer and by a registered landscape architect with regard to elements of the plan within their respective disciplines. In the event a site plan is amended by an applicant, the above requirements (subsection (3)), shall be updated to the extent they are affected by the amendment.

**(b) Applications for Rezoning**

A report containing the information prescribed in subsection (a) is required for all applications for rezoning within the Edwards Recharge Zone District. See ordinance 82-935 § 35-B117, below.

**(c) Erosion and Sedimentation Control Plans**

**(5) Plan Contents.**

The erosion and sedimentation control plans required by § 35-521(t) shall include the following items:

- Construction sequencing as it relates to placement, maintenance, removal of temporary erosion controls, and restoration measures. The sequencing plan schedules these items in the overall scheme of development.

- A list of such erosion controls and maintenance thereof.
- Slope stabilization techniques to be employed.
- Restoration plans including vegetative types.

**(6) Sequencing Plan.**

The erosion control and construction sequencing plan shall include the following items:

- Location of temporary erosion controls with maintenance note. The plan shall show the physical details of the controls.
- A construction sequencing list, including the timing of the use of various controls in relation to steps in the construction.
- Restoration techniques and acceptability note.

### **35-B106 Floodplain Development Permit**

**(a) Number of Copies**

The applicant shall furnish two (2) sets of documents as provided herein.

**(b) Format**

The application for a floodplain development permit shall be drawn to scale showing the locations, dimensions, and elevations of proposed structures, and the location of the foregoing in relation to areas of special flood hazard.

**(c) Contents**

The floodplain development permit application shall include the following information:

- (1)** An elevation certificate for buildings on property located in or abutting the floodplain.
- (2)** Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed.
- (3)** Certification from a registered professional civil engineer or registered architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of section 35-505(n).
- (4)** An existing structure may be improved (remodeled) without conforming to requirements of this subdivision when the improvement does not constitute a Substantial Improvement. In the event that the work is considered a Substantial Improvement then the structure must be brought into compliance with this subdivision.
- (5)** Certification of the fair market value of an existing structure prepared by a certified real estate appraiser and a cost estimate of proposed improvements to the structure prepared

by a registered architect or registered professional engineer shall be submitted to verify whether or not the proposed improvements exceed fifty (50) percent of the fair market value of the existing structure. In the case of a structure that has suffered damage, the date will verify the fair market value of the structure before the damage occurred.

- (6) The information provided on the San Antonio Flood Plain Submittal Checklist (below).

### ***City of San Antonio Flood Plain Submittal Checklist – 2 SETS UNLESS NOTED.***

1. ( ) Vicinity Map
2. ( ) Show the location of the proposed development on current flood insurance rate map.
3. ( ) U.S.G.S. Quadrangle maps showing overall drainage areas, runoff coefficients, time of concentration, intensity.
4. ( ) Place the following note on the plat "NO CONSTRUCTION, IMPROVEMENTS, OR STRUCTURES ARE ALLOWED WITHIN THE DRAINAGE EASEMENT/100 YEAR FLOOD PLAIN." 2. ( ) 5. ( ) Drainage easement dedicated based on the higher of the 25-year ultimate development plus required freeboard or the 100-year ultimate development condition water surface elevation.
6. ( ) Plan view of project limits showing cross sections, existing/proposed topography, proposed development, existing and ultimate flood plain limits.
7. ( ) Channel cross sections (existing superimposed on proposed) on 24"x36" plan sheet (drainage easement limits, Manning's numbers, property lines, structures, etc.)
8. ( ) Hydrology to include details of.
  1. Detailed Time of concentration/Lag time calculations
  2. CN Value (Soil Survey for the SCS Curve Number by Soil type (amount in acres of each hydrologic soil group))
  3. Soil Survey for the SCS Curve Number by Soil Type (amount in acres of each hydrologic soil group)
  4. Percent impervious cover for a) existing b)with project condition c) ultimate condition
  5. Drainage areas
  6. Maps as necessary to support calculations
  7. Discharge calculations
9. ( ) 25 year ultimate development plus required freeboard condition hydrologic and hydraulic analyses – Hard copy
10. ( ) 100 year existing and ultimate development condition hydrologic and hydraulic analyses – Hard copy
11. ( ) 10, 50, 100, and 500 year analysis for map revision detail study areas ONLY
12. ( ) A 3 ½" diskette of all the existing and proposed condition HEC-1 and HEC-2 models used in analysis
13. ( ) Is this development over the Edwards Aquifer Recharge Zone?
14. ( ) Flood Plain Development Permit Application (1 COPY ONLY)
15. ( ) Plotted water surface profiles for item number 8, 9, and 10 (if applicable)
16. ( ) Grading Plan (existing and finished contours)
17. ( ) Show revised (calculated from hydraulic run) flood plain limits on current flood insurance rate map (must tie in upstream and downstream)
18. ( ) Elevation Certificates if Applicable
19. ( ) Completed CLOMR/LOMR forms
20. ( ) Narrative (Per section 35-B119(d) of UDC)
  1. Table of Contents and abstract or executive summary
  2. Introduction that includes project description and history, location, scope and objective of analysis, previous and related studies that may affect this analysis.
  3. Summary, conclusions, and recommendations (water surface elevation impacts)

I certify that all the items listed on the attached flood plain submittal checklist are included with this document.

Project Name: \_\_\_\_\_

Plat No. \_\_\_\_\_

Consulting Engineer: \_\_\_\_\_

Consultant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Registration Stamp

**(g) Certification**

The floodplain development permit application shall be submitted to the director of public works through the director of development services and signed and sealed by a registered professional engineer.

**(h) Performance Bond****(1) For construction of floodplain improvements.**

STATE OF TEXAS           X  
                                       X  
 COUNTY OF \_\_\_\_\_ X

KNOW ALL MEN BY THESE PRESENTS:

That we, \_\_\_\_\_, the undersigned developer as principal, and \_\_\_\_\_, as surety, do hereby acknowledge ourselves to be held and firmly bound unto the City of San Antonio, a municipal corporation of the County of Bexar and State of Texas, in the full and just sum of \$\_\_\_\_\_, for the payment of which will and truly to be made, we hereby bind ourselves and our respective heirs, administrators, executors and assigns jointly and severally, firmly by these presents.

Whereas, the principal had petitioned the Floodplain Administrator of the City of San Antonio for permission to \_\_\_\_\_ within the jurisdiction of the City of San Antonio which is shown on plans entitled \_\_\_\_\_, and which is more particularly described as follows, to wit:

WHEREAS, plans and a floodplain development permit for such development were approved by the Floodplain Administrator; and

WHEREAS, the Floodplain Ordinance of the City of San Antonio requires that the site improvements set out below be completed by the principal in conformance with the standards established by that ordinance within the time period shown on the approved Floodplain Development Permit \_\_\_\_\_ and

WHEREAS, the aforesaid ordinance requires that a guarantee of performance that such site improvements will have been completed and will have been accepted by the City within the time period shown on the approved Floodplain Development Permit; and

WHEREAS, the undersigned developer has elected to provide to the City of San Antonio such a guarantee of performance;

NOW THEREFORE, the condition of this obligation is such that if the principal shall, on or before the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, construct or cause to be constructed the above mentioned improvements in accordance with the requirement of the City of San Antonio Floodplain Ordinance, then this obligation shall be void; otherwise the obligations under this bond shall remain in full force and effect.

IN TESTIMONY WHEREOF, WITNESS OUR HAND AND SEAL this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
 DEVELOPER AND PRINCIPAL

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

BY: \_\_\_\_\_  
 ATTORNEY-IN-FACT



- (2) A performance bond may also be required for FEMA review fees. Adjust bond text shown above as necessary.

(Ord. No. 97568 § 2) (Ord. No. 98697 § 1)

## 35-B107 Landscape plans

**(a) Number of Copies**

A landscape plan shall consist of two (2) sets of plans with the contents prescribed herein.

**(b) Format**

The landscape plan shall delineate the treatment of materials used for open space, landscaped buffers and common ownership. A landscape plan shall be drawn to scale with sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it conforms to the requirements of this section. The plan shall be submitted on sheets of a size not to exceed thirty by forty-two inches (30" X 42"). A plan which cannot be drawn in its entirety on a single sheet shall be drawn with appropriate match lines on two (2) or more sheets.

**(c) Contents**

The landscaping plan shall include the following information:

- (1) Project name, street address, legal description, date, scale, north arrow and the names, addresses and telephone numbers of both the property owner and the person preparing the plan.
- (2) A vicinity map, location of lot lines, and dimensions of the building site and the street yard.
- (3) Approximate center lines of existing water courses and the location of the 100-year floodplain; approximate location of significant drainage features;
- (4) The location and width of existing and proposed streets and alleys, utility easements, driveways, and sidewalks on or adjacent to the lot.
- (5) Identification, location, and dimensions of required plant materials for screening, and off-street parking and loading spaces within the street yard.
- (6) Description of plant materials shown on the plan, including names (common and botanical), quantities, container or caliper sizes at installation, heights, spread, and spacing. The plan may designate alternative species or reference species listed in a City prepared landscape manual.
- (7) Description of proposed irrigation systems, as set forth in subsection (d), below.
- (8) Tabulation of points earned by the plan. In calculating points, plant materials may be used to satisfy a maximum of two (2) mandatory and/or elective requirements.
- (9) If points for the preservation of existing trees and/or understory are requested, the information specified below shall also be included on the landscape plan.

- (10) Trees and understory to be preserved and for which credit is being requested.
- (11) Delineation of proposed limit of clearance and establishment of protection zones which shall extend to just outside the root protection zone of trees and outside the understory area to be preserved.
- (12) Tree and understory preservation specifications.
- (13) Specification of ground plane treatment as either turf or ground cover. If a combination of both is utilized, the limit of each shall be indicated.

**(d) Irrigation Installations**

A landscape plan shall include a delineation of irrigation installations with the following information:

- (1) Name of project and address.
- (2) North compass indication.
- (3) Prevailing wind direction.
- (4) Scale: graphic and written.
- (5) Date of design.
- (6) State of Texas Licensed Irrigator seal with number clearly visible as required by state law and a letter from the Licensed Irrigator stating that the plan conforms to the irrigation design and equipment standards set out in 35-510(j) and 35-510(c )(6) attached to the submittal.
- (7) System component legend: Clear, consistent symbols.
- (8) Backflow prevention unit installed per code requirements.
- (9) Sprinkler/emitter legend: symbol, operating pressure (pounds per square inch, PSI), flow rate (gallons per minute, GPM), radius of coverage.
- (10) Symbol of other major components.
- (11) Installation details and specifications shall describe and/or illustrate all materials used and the installation thereof. These may be brief statements shown on plan or included in a supplemental document. There must be site and project specific.
- (12) Point of connection shall indicate location and size of meter.
- (13) Static pressure and design pressure.
- (14) Pressure loss calculation shall be available for review.

.

**(e) Certification**

A landscaping plan shall be prepared by a registered Irrigator.

(Ord. No. 95573 § 7 Amendment "G")

**35-B108      Manufactured Home Park Plans**

**(a) Number of Copies**

The applicant shall submit to the director of planning an application, plan review fee, processing and final blue or black-line folded copies of the plan, and a legible 8 ½" X 11" reduced copy accompanied with the plan review fee. The director of planning may require the applicant to submit up to seven (7) processing and fifteen (15) final blue or black-line folded copies. Request for reviews to respective reviewing department or agencies shall be attached to the processing copies. In addition to the hard copies, information shall be submitted in a Digital Data format as out lined in 35-B101.

**(b) Format**

The plan shall be drawn on sheet(s) no larger than 24" inches wide and 36" inches long with appropriate side margins. The plan shall be drawn at a scale of hundred (100) feet to one (1) inch (1"= 100') unless a smaller scale is approved by Planning. Where more than one sheet is necessary to accommodate the entire park site, an index sheet showing the entire area at an appropriate scale shall be attached.

**(c) Contents**

The following data regarding site improvements are required:

- (1)**      A plan and typical section of streets, sidewalks, crosswalks, slabs, patios, if any, and details on sewer and water sections.
- (2)**      The name of the developer.
- (3)**      The name of the record owner of the land involved.
- (4)**      The legal description of the land being developed, with an identification number assigned to each manufactured home site.
- (5)**      The tract boundary lines.
- (6)**      The scale; north arrow and date.

- (7) The final contour data to show drainage of the site of the proposed manufactured home park. If the average grade of the site is five (5) percent or less, the maximum contour interval shall be two (2) feet. If the average grade of the site is greater than five (5) percent, the contour interval may be increased to five (5) feet.
- (8) The source of water supply and layout of the water system, including locations of standard fire hydrants.
- (9) The method of sewage disposal and the layout of the sewer system.
- (10) The name of the manufactured home park and the legal description of property.
- (11) The location and dimensions of all streets, easements, and other rights-of-way.
- (12) Typical space dimensions and the locations of park facilities shall be shown
- (13) The front building setback lines on all manufactured home stands and other sites and side yard setback lines at street intersections and cross-walkways.
- (14) A location diagram.

**(d) Certification**

**(1) Owner's Certificate**

The Applicant shall provide an owner's certificate in the following form:

State of Texas  
County of Bexar

I hereby certify that this plan is true and correct and if approved by the Planning Commission, all development will be in accordance with this plan, and no alterations will be made in this plan after approval.

\_\_\_\_\_  
Owner or authorized agent

**(2) Approval Form**

The Applicant shall provide an approval form in the following format:

This Manufactured Home Park Plan for \_\_\_\_\_ has been considered and is hereby approved by the Planning Commission of the City of San Antonio, Texas. Dated this \_\_\_\_\_ day of \_\_\_\_\_

By: \_\_\_\_\_

Chairman

By: \_\_\_\_\_

Secretary
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(Ord. No. 98697 § 1)

### **35-B109 Master Development Plan**

#### **(a) Number of Copies**

The applicant shall submit to the director of planning an application, plan review fee, processing and final blue or black-line folded prints of the plan, and a legible 8 ½" X 11" reduced copy. The director of planning may require the applicant to submit up to ten (10) processing and five (5) final blue or black-line folded prints of the plan. Requests for review to respective departments or agencies shall be attached to the processing copies. In addition to the hard copies, information shall be submitted in a digital data format as out lined in 35-B101.

#### **(b) Format**

The plan shall be drawn on sheet(s) no larger than 24" inches wide and 36" inches long with appropriate side margins. The plan shall be drawn at a scale of hundred (100) feet to one (1) inch (1"= 100') unless a smaller scale is approved by Planning. Where more than one sheet is necessary to accommodate the entire site, an index sheet showing the entire area at an appropriate scale shall be attached.

#### **(c) Contents**

The master development plan shall include the following information:

- (1) The information required by Table B-1 of this Appendix.
- (2) A TIA in accordance with section 35-502.

(Ord. No. 98697 § 1)

### **35-B110 Military Airport Overlay Zone Site Plans**

#### **(a) Number of Copies**

The applicant shall submit to the director of planning an application, with processing and final blue or black-line folded prints, a legible 8 ½" X 11" reduced copy of the plan proposal accompanied with the plan review fee. The director may require the Applicant to submit up to with seven (7) processing and fifteen (15) final blue or black-line folded prints. Requests for review to respective departments and agencies shall be attached to the processing copies. In addition to the hard copies, information shall be submitted in a digital data format as out lined in 35-B101.

**(b) Format**

The plan shall be drawn on sheet(s) no larger than 24" inches wide and 36" inches long with appropriate side margins. The plan shall be drawn at a scale of hundred (100) feet to one (1) inch (1"= 100') unless a smaller scale is approved by the planning director. Where more than one sheet is necessary to accommodate the entire park site, an index sheet showing the entire area at an appropriate scale shall be attached.

**(c) Contents**

The master development plan shall include the following as a minimum:

- (1) Site size, locational information, and adjacent land uses.
- (2) Dimensioned layout, with the location, size, and height of all buildings and structures.
- (3) Floor area ratio of each lot.
- (4) The location and size of all above and below ground storage containers for flammable and combustible materials.
- (5) Size and location of all vehicular access points, streets, and parking areas.
- (6) Major physical features such as creeks, topography, and easements.
- (7) Diagrams indicating the location, dimensions, and angles of any or other reflective surfaces proposed in the development design.
- (8) A staging plan if appropriate.

**(d) Certification**

The Military Airport Overlay Zone site plans shall be prepared and signed by a registered professional engineer.

**35-B111 Specific Use Authorization****(a) Number of Copies**

The applicant shall provide fifteen (15) folded prints and computer disk of the proposed specific use. One 8 ½" X 11" reduced copy of the plan shall also be provided.

**(b) Format**

A site plan, with associated detail drawings, must be submitted when approval of the City is required pursuant to this chapter. The site plan shall be prepared to scale. The site plan scale must be drawn numerically and a graphic scale must be provided. The maximum scale acceptable for a site plan shall be one inch equals 100 feet.

**(c) Contents**

The following minimum information shall be shown on the site plan required by this division:

- (1)** All of the information required by Table B-1 of this Appendix.
- (2)** All proposed driveways, sidewalks and other infrastructure above, at or below grade, showing the proposed physical layout, dimensions and other relevant characteristics.
- (3)** All existing driveways, sidewalks and other infrastructure as they currently exist above, at or below grade, showing the physical layout, dimensions and other relevant characteristics.
- (4)** The intended use of the property to which the current and proposed improvements relate.

### **35-B112 Nonconforming Use Certification**

**(a) Number of Copies**

To establish nonconforming rights, the owner or his designated representative must file three (3) copies of the required documents with the director of development services.

**(b) Format**

The applicant shall provide a master plan or site plan, including an 8 ½" X 11" reduction of the plan on vellum or equivalent material, and narrative material as required. The master or site plan shall indicate proposed and existing uses as well as the appropriate zoning designation which would be required.

**(c) Contents**

As a minimum, the documentation shall include the following:



- (1) Evidence of financial investment.
- (2) Affidavit of ownership.
- (3) Narrative explanation of the proposed project and its status.

(Ord. No. 98697 § 4)

### **35-B113 Planned Unit Development (PUD) Plans**

#### **(a) Number of Copies**

The development services director may require the applicant to submit up to seven (7) processing copies and fifteen (15) final blue or black-line folded prints with respective department / agency request for reviews attached, a legible 8 ½ " X 11" reduced copy of the plan proposal accompanied with the plan review fee... In addition to the hard copies, information shall be submitted in a digital data format as out-lined in 35-B101(e).

#### **(b) Format**

The plan shall be drawn on sheet(s) no larger than 24" inches wide and 36" inches long with appropriate side margins. The plan shall be drawn at a scale of hundred (100) feet to one (1) inch (1"= 100') unless a smaller scale is approved by the development services director. Where more than one sheet is necessary to accommodate the entire project site, an index sheet showing the entire area at an appropriate scale shall be attached.

#### **(c) Contents**

The PUD plan shall include the following:

- (1) All of the information required by Table B-1 of this Appendix.
- (2) Site layout indicating size, location, scale, north arrow, and perimeter boundaries and setbacks.
- (3) Proposed land uses by location, type, density, and size.
- (4) Major physical features such as easements, streams, floodplains, and significant stands of trees as indicated on the most recent city-maintained aerials.
- (5) Location and dimensions of streets, parking areas, and access control stations, and clear vision areas.
- (6) Identification of common open space areas and/or the percentage of each lot which is to be reserved as open space, plus the calculations used to determine the required percentages.
- (7) Staging plan if PUD is to be developed in more than one phase.

- (8) Plan review fee as specified in Exhibit C.
- (9) A list of names and addresses of the owners (as the ownership appears on the last approved ad valorem tax roll) of all property lying within two hundred (200) feet of the boundaries of the PUD, and a map showing the PUD site and all properties within the two hundred foot radius. In lieu of providing the property owner names and addresses, the applicant may elect to have staff prepare the list upon payment of the notification list fee specified in Exhibit C.
- (10) Include with the existing developer requirements establishing the HOAs, a clear identification of all common elements/ amenities to be built out in the future. This might include such things as tennis courts, pools, pavilions, walking trails etc. (UDC)
- (11) Provisions for maintenance funding.

(Ord. No. 98697 § 1)

### **35-B114 Plat Deferral**

#### **(a) Number of Copies**

The director may require the applicant to submit up to four (4) full size blue line copies of the plat together with two (2) legible eight and one-half by eleven (8 ½ X 11") inch reduced copies.

#### **(b) Format**

The application shall include a letter and a preliminary plat as provided below.

#### **(c) Contents**

The Application for a plat deferral shall including the following:

- (1) The letter shall state what specific utilities are required prior to platting, specify the reasons for the request and address the consequences or alternatives if the deferral is denied. The following supportive documents shall accompany the application letter.
- (2) A preliminary plat with the engineer's/surveyor's seal showing the limits of the one-hundred-year floodplain if within or contiguous to the platted area, and topographic contours along with an 8 1/2 x 11 inch reduction of the plat on bond paper. Commercially zoned tracts shall include an engineering report conforming to the requirements for stormwater detention.
- (3) A letter from the engineer/surveyor preparing the plat with his professional seal affixed, certifying that none of the conditions specified in § 35-436(a) are present; that the property contains a suitable building site; and that the engineer/surveyor has been

retained to prepare the plat, the date he was retained, the status of the plat, and the expected date for formal filing of the plat.

**(d) Certification**

The application shall include an affidavit the same as §35- B121 of this appendix signed by the landowner or his authorized agent acknowledging his liability to comply with the Unified Development Code if the request is granted.

**35-B115 Plat Vacation and Resubdivision**

**(a) Number of Copies**

The director of development services may require the applicant to submit the original vacating declaration and up to thirteen (13) copies with respective department / agency request for reviews and two (2) legible 8 ½ " X 11" reduced copies of the plat being vacated attached. In addition, the submittal shall include (2) full size copies of the original plat folded prints together with the required processing fee. A vacating declaration processing fee and copies as listed above are not required in connection with the processing of a resubdivision plat.

**(b) Format**

All filed plat copies shall clearly delineate the area to be vacated.

**(c) Contents**

The applicant shall include the names and addresses of all owner of lots within the subdivision and their signed written consent.

**(d) Certification**

The resubdivision plat shall be annotated generally as follows:

The area being resubdivided in this plat had been previously platted on plat no. \_\_\_\_\_ known as \_\_\_\_\_ subdivision which is recorded in volume \_\_\_\_\_ page \_\_\_\_\_, County Plat and Deed Records, and was vacated through a vacating declaration being recorded on the same date as this resubdivision plat.

**35-B116 Replats Subject to Single-Family or Duplex Residential Zoning or Deed Restrictions**

The notice shall be accompanied by the replat fee specified in Exhibit C; a map of the previous plat annotated with a two hundred (200) foot radius around the area proposed to be replatted and indicating any areas which were previously vacated or replatted; and a list of names and addresses of property owners in the previous plat, as indicated on the most recently approved municipal or county tax roll as applicable, within two hundred (200) feet of the property proposed to be replatted. The list shall be signed by the subdivider, notarized, and dated. In lieu of providing the property owner names and addresses, the applicant may elect to have staff prepare the list upon payment of the notification list fee specified in Exhibit C.

**35-B117 Rezoning**

No application for a rezoning shall be certified as complete unless the following information is provided:

- (a) The name, address, and telephone number of the owner of the property for which the rezoning is requested and, if different, the applicant. The application shall state whether the applicant is the owner or leasee, optionee, or licensee of the property proposed to be rezoned. If the applicant is different than the owner, the application shall contain the following statement with the names of the owner of the property and the applicant, and signed by the owner of the property:

"I, _____, the owner of the property to be considered give _____ permission to submit this application."
--

- (b) The location of property where change is requested, described according to subdivision plat filed at the county court house or the city tax rolls, including the parcel identification number. This information shall include all applicable lot and block numbers. If the property is not part of a subdivision, the application shall include a metes and bounds description along with an exhibit of the property in digital form, if available. If only a portion of a lot or parcel is to be reclassified, the application shall include a legal description, by metes and bounds, of the land to be reclassified.
- (c) Address of subject property, if applicable.
- (d) The total acreage proposed to be rezoned for each zoning district requested.
- (e) The book and page number where the deed to the property is recorded in county clerk's office, along with a description of any deed restrictions that would prohibit the proposed use.
- (f) If more than one district is being requested, please indicate areas to be zoned in accordance with the petition. A separate sheet shall be attached sheet with a legal description of each area to be considered.

- (g) A dimensioned map of the property referred to in the application and all street, lots, parcels of land within 200 feet of said property, based upon information provided by the development services department.
- (h) A typed list of the owners (together with their addresses) of all property within 200 feet of said property and description of property owners.
- (i) If available, a map indicating the location, dimensions, and uses of existing and proposed structures, easements, water sources, fences, curb cuts, street and alley right-of-way lines on and within one foot of the property proposed for rezoning. This information may be submitted on a separate map.
- (j) A statement of the reasons for seeking such amendment.
- (k) A traffic impact analysis or worksheet, if required pursuant to § 35-B122.
- (l) All applications for rezoning within the Edwards Recharge Zone District Property shall include a report containing the information prescribed in § 35-B105(a).

(Ord. No. 98697 § 1)

### **35-B118 Sexually Oriented Business**

If the subject building or portion of the building is intended for future use or is currently used as a "sexually oriented business", then the following shall be submitted attached to and made part of the application for certificate of occupancy and/or building permit:

- (a) A certified survey map prepared by a state licensed surveyor or state licensed engineer which shows the required minimum distances from properties with protected uses or protected zoning; and
- (b) A sworn affidavit stating the name and mailing address of all owner(s) of the planned, or existing, sexually oriented business; and
- (c) If a corporate owner, the current name and street address of the corporate president and the registered agent for service on file with the Texas Secretary of State.
- (d) It shall be a violation of this ordinance for an owner of a sexually oriented business to fail or refuse to submit the prerequisite certified survey map or to fail or refuse to register the names and addresses of the owner(s). Without both the certified survey map and owner identification, no valid certificate of occupancy and/or building permit can be issued. Upon discovery of the absence of or the incorrectness of either document, the certificate of occupancy and/or building permit shall be declared invalid by the director of development services.

(Ord. No. 98697 § 4)

**35-B119 Stormwater Management Plan****(a) Number of Copies**

The applicant shall provide two (2) blue-line or black-line copies of the plat together with two (2) copies of construction drawings.

**(b) Format**

Plats shall be drawn in India ink on Mylar on sheets eighteen (18) inches wide and twenty-four (24) inches long, with a margin of two and one-half (2 1/2) inches on the left side of the sheet, and appropriate margins on the other three (3) sides. Plats shall be drawn at a scale of one hundred (100) feet to one (1) inch unless a smaller scale is approved by the Director of Development Services. Plats which include one-half (1/2) acre or less in area shall be drawn at a scale of fifty (50) feet to one (1) inch.

Where more than one (1) sheet is necessary to accommodate the entire area to be subdivided, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

**(c) Contents**

To standardize the review process and minimize the time for approval by the city during review of the plat and construction drawings for a subdivision, a complete submittal regarding the analysis of existing drainage conditions and the design of modifications or new drainage facilities is necessary. The owner of the property to be developed is required by the director of public works to provide, at the owners expense and as a condition of construction plan approval, a stormwater management report for the total development area to be ultimately constructed. The stormwater management report shall contain all of the necessary support data, methodologies used in calculations, and conclusions. A checklist is below that will be used by the city reviewer as a guide during the evaluation of all stormwater management reports submitted to the city. The purpose of the checklist is to expedite the review process for both the engineer and the city, and to aid the engineer in the preparation of reports for the city's review. The stormwater management report shall be submitted to the director of public works through the director of development services prior to approval of any construction plans.

**(d) Report**

The stormwater management plan shall include two (2) copies of a written report that includes the following information, as applicable:

- A vicinity map of the site and affected reach of the outfall channel.
- A detailed map of the area and the outfall channel with all pertinent physiographic information.
- A watershed map showing the existing and proposed drainage area boundary along with all sub area delineations and all areas of existing and proposed development.

- Discharge calculations specifying methodology and key assumptions used including a table of discharges at key locations.
- Hydraulic calculations specifying methodology used, assumptions and values of the design parameters.
- Profiles of the affected channels, including water surface elevations for the specified design frequencies, all existing and proposed bridge, culvert and pipeline crossings, the location of all tributary and drainage confluences, and the location of all hydraulic structures.
- Detention basin design calculations, including those used for design of the control structure.
- Right-of-way and easement requirements, and a map showing locations of all rights-of-way and easements.
- A soils report which addresses erosion and slope stability of new or altered channels and detention facilities.
- A computer diskette of all existing and proposed condition HEC-1 and HEC-2 models used in analysis.
- A checklist for the submittal package is included as Attachment 1 below. A checklist for the preparation of a HEC-2 model is included as attachment 2 below.

#### ATTACHMENT 1 DRAINAGE SUBDIVISION CHECKLIST

Included in submittal

\_\_\_\_ 1. U.S.G.S. Quadrangle map showing overall drainage areas, runoff coefficients, time of concentration, intensity and Q's.

\_\_\_\_ 2. Subdivision Master Drainage Plan with overall interior drainage area of subdivision showing drainage area, time of concentration runoff coefficients, intensities, and Q's for the street and alley flows and also channel and underground system design.

\_\_\_\_ 3. Subdivision plat showing interior drainage areas, time of concentration, runoff coefficients, intensities, Q's for street and alley flows and also channel and underground system design.

#### 4. DRAINAGE CALCULATIONS REQUIRED FOR:

- \_\_\_\_ A. Open channel design
- \_\_\_\_ B. Underground systems
- \_\_\_\_ C. Box culverts
- \_\_\_\_ D. Pipe culverts

- \_\_\_ E. Hydraulic jump
- \_\_\_ F. Super elevation in channel bends
- \_\_\_ G. Retard spacing
- \_\_\_ H. Backwater curves with cross sections
- \_\_\_ I. Draw down curves with cross sections
- \_\_\_ J. Energy dissipaters
- \_\_\_ K. Hydraulic grade lines of pipes
- \_\_\_ L. (1) Inlets on grades      \_\_\_ (2) Inlets in sump
- \_\_\_ M. Drop curb openings
- \_\_\_ N. Sidewalk culverts
- \_\_\_ O. AR2/3 calculations with cross sections
- \_\_\_ P. Weir formulase structures
- \_\_\_ Q. Orifice formulas
- \_\_\_ R. Grade to drain channels
- \_\_\_ S. Upstream pickup and flared section
- \_\_\_ T. Downstream Backwater control and flare to match downstream condition
- \_\_\_ U. Show required free board
- \_\_\_ V. Improper "N" value
- \_\_\_ W. Improper velocity used
- \_\_\_ X. Improper easement width
- \_\_\_ Y. Show access road on each sodded channel
- \_\_\_ Z. Improper runoff coefficient used
- \_\_\_ A-A. Improper time of concentration used
- \_\_\_ B-B. Improper Q's used
- \_\_\_ C-C. Steel calculations for box culvert
- \_\_\_ D-D. Street Q's for 5 yr.(30' street) and 25 yr. (greater than 44' street) frequency showing street capacities are correct based on Figure IX in Subdivision Regulations

\_\_\_ 5. SUBDIVISION PLAT showing all interior drainage easements, outfall drainage easements, U.S.G.S. contour map and all other necessary drainage information.

- \_\_\_ A. Show outfall drainage easements to the centerline of existing natural low
- \_\_\_ B. Show finished fill contours
- \_\_\_ C. Show interceptor drainage easements

\_\_\_ 6. TYPICAL DETAILS ON PLANS REQUIRED FOR:

- \_\_\_ A. Box culvert with headwalls or wing walls
- \_\_\_ B. Pipe culverts with headwalls or wing walls
- \_\_\_ C. Culvert headwalls shown with proper safety measures
- \_\_\_ D. Drop curb openings
- \_\_\_ E. (1) Inlets on grade      \_\_\_ (2) Inlets on sump
- \_\_\_ F. Drop structures
- \_\_\_ G. Retards
- \_\_\_ H. Sidewalks over drains
- \_\_\_ I. Guard post installations
- \_\_\_ J. Guard rail on structures
- \_\_\_ K. Header curb



- ☐ L. Energy dissipaters
- ☐ M. Junction boxes
- ☐ N. Concrete lined channels with free board
- ☐ O. Earth sodded channels with free board
- ☐ P. Other concrete structures:
- ☐ Q. Grade to drain sections
- ☐ R. Transition sections
- ☐ S. Fencing for vertical wall channels greater than 2' deep
- ☐ T. Other: \_\_\_\_\_
- ☐ U. Side slope
- ☐ V. Note: Adjacent lots shall be graded to provide access and drainage to adjacent street and drainage systems.

☐ 7. COMPLETE STREET PLANS AND PROFILES

☐ 8. COMPLETE DRAINAGE PLAN AND PROFILE INCLUDING THE FOLLOWING REQUIREMENTS:

- ☐ A. Proposed flowline slopes with grades and elevations shown every 50' in profile
- ☐ B. Proposed top of channel profile
- ☐ C. Existing ground right and left profile at property line
- ☐ D. Finished fill profiles
- ☐ E. Locations and size of culverts
- ☐ F. Drop structures
- ☐ G. Retards
- ☐ H. Grade to drain profiles
- ☐ I. Flowline elevations at every 50' station and at each structure and change in grade
- ☐ J. Junction boxes
  
- ☐ K. Channel plan views
- ☐ L. Channel sections
- ☐ M. Pipes with hydraulic grade lines on profile
- ☐ N. Cross sections of existing natural channels or lows which are not to be improved, but left in natural state and dedicated to high water calculated
- ☐ O. Angles, bearings, distances, etc., for structures, channels, etc.
- ☐ P. Lot grading layout drains
- ☐ Q. Culvert structural details

☐ 9. UNIT AND STORM HYDROGRAPHS FOR MAJOR STREAMS (OVER 2,000 ACRES)

☐ 10. DRAINAGE EASEMENTS TO THE CENTERLINE OF NATURAL LOW

☐ 11. COST ESTIMATE

☐ 12. ENGINEER'S SEAL

\_\_\_\_ 13. OTHER

#### Attachment 2

#### CITY OF SAN ANTONIO

HEC-2 SUBMITTAL CHECKLIST – Floodplain submittal checklist supercedes this attachment for projects in the FEMA Floodplain.

Project \_\_\_\_\_ Engineer \_\_\_\_\_ Stream \_\_\_\_\_ Date \_\_\_\_\_

The purpose of this checklist is to aid the engineer in the preparation of HEC-2 studies and reports and to expedite the City of San Antonio's review procedure.

#### Submission Package

\_\_\_\_\_ Signed, sealed, and dated by a engineer certified to practice in the State of Texas

\_\_\_\_\_ Signed checklist

\_\_\_\_\_ 3 1/2" diskette with all input files

\_\_\_\_\_ Copy of condensed printouts

#### Narrative

\_\_\_\_\_ Table of Contents

\_\_\_\_\_ Abstract or executive summary

\_\_\_\_\_ Introduction

\_\_\_\_\_ Project description and history

\_\_\_\_\_ Location

\_\_\_\_\_ Scope and objective of analysis

\_\_\_\_\_ Previous and related studies that  
may affect this analysis

\_\_\_\_\_ Methodology

\_\_\_\_\_ Sources of discharges

\_\_\_\_\_ Bridge routines

\_\_\_\_\_ Base or effective models (mention source)

\_\_\_\_\_ Revised-base model

\_\_\_\_\_ Proposed model

\_\_\_\_\_ Summary, conclusions, and recommendations

\_\_\_\_\_ Water surface elevation impacts

#### Tables

\_\_\_\_\_ Water surface comparison table at each cross section

\_\_\_\_\_ Floodway table  
 \_\_\_\_\_ Cross section numbering table (if stationing changes)  
 \_\_\_\_\_ Exhibits  
 \_\_\_\_\_ Vicinity Map  
 \_\_\_\_\_ Plan view of project reach  
 \_\_\_\_\_ Water surface profiles for design storm  
 \_\_\_\_\_ Channel cross sections showing limits of drainage easements and property lines.  
 \_\_\_\_\_ Bridge cross sections  
 \_\_\_\_\_ Plan view of bridge  
 \_\_\_\_\_ Photographs (if available)

#### Appendices

\_\_\_\_\_ Pertinent correspondence (meeting notes, etc. . . . )  
 \_\_\_\_\_ Survey and/or Certified "As-Built" information for all revisions to base model  
 \_\_\_\_\_ Sample calculations

Name of submitter \_\_\_\_\_ Date \_\_\_\_\_

#### (f) Certification

The stormwater management report must include a letter signed and sealed by a professional engineer with text descriptions, exhibits, calculations and models.

The stormwater management plan shall include a performance bond executed as follows:

STATE OF TEXAS       X  
                                   X  
 COUNTY OF \_\_\_\_\_ X

KNOW ALL MEN BY THESE PRESENTS:

That we, \_\_\_\_\_, the undersigned developer as principal, and \_\_\_\_\_, as surety, do hereby acknowledge ourselves to be held and firmly bound unto the City of San Antonio, a municipal corporation of the County of Bexar and State of Texas, in the full and just sum of \$\_\_\_\_\_, for the payment of which will and truly to be made, we hereby bind ourselves and our respective heirs, administrators, executors and assigns jointly and severally, firmly by these presents.

Whereas, the principal had petitioned the Floodplain Administrator of the City of San Antonio for permission to \_\_\_\_\_ within the jurisdiction of the City of San Antonio which is shown on plans entitled \_\_\_\_\_, and which is more particularly described as follows, to wit:

WHEREAS, plans and a floodplain development permit for such development were approved by the Floodplain Administrator; and

WHEREAS, the Floodplain Ordinance of the City of San Antonio requires that the site improvements set out below be completed by the principal in conformance with the standards established by that ordinance within three (3) years of the date on which the Floodplain Development Permit was approved \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ and

WHEREAS, the aforesaid ordinance requires that a guarantee of performance that such site improvements will have been completed and will have been accepted by the City within three (3) years of the date on which the Floodplain Development Permit was approved; and

WHEREAS, the undersigned developer has elected to provide to the City of San Antonio such a guarantee of performance;

NOW THEREFORE, the condition of this obligation is such that if the principal shall, on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, construct or cause to be constructed the above mentioned improvements in accordance with the requirement of the City of San Antonio Floodplain Ordinance, then this obligation shall be void; otherwise the obligations under this bond shall remain in full force and effect.

IN TESTIMONY WHEREOF, WITNESS OUR HAND AND SEAL this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
DEVELOPER AND PRINCIPAL

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

BY: \_\_\_\_\_

ATTORNEY-IN-FACT

APPROVED AND ACCEPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

CITY OF SAN ANTONIO

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

APPROVED AS TO FORM: \_\_\_\_\_ CITY ATTORNEY  
PE Registration Number

(Ord. No. 97568 §1 & 2) (Ord. No. 98697 § 1)

**35-B120      Street, Alley, and Cross Walkway Plans.**

**(a) Number of Copies**

The applicant shall provide three (3) sets of construction plans and two (2) sets of the pavement design report.

**(b) Format**

Construction plans shall be twenty-four by thirty-six (24 x 36), inches with a margin of two and one-half (2 1/2) inches on the left side of the sheet, and appropriate margins on the other three (3) sides. Construction plans shall be drawn at a scale of one (1) inch equal to fifty (50) feet.

Where more than one (1) sheet is necessary to accommodate the entire area to be subdivided, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

**(c) Contents**

The plans and profiles for street, alley, cross walkway and drainage easement improvements submitted shall include the following information:

- (1)** Typical sections showing the proposed pavement width, type, thickness and crown; the proposed curb and gutter type, location in relation to center line and exposure; the proposed parkway grading slopes; the proposed locations and type of wheelchair ramps; location of traffic signal conduit; and construction details of all drainage including dimensions, reinforcing and components such as grates and manhole covers. The information shall be given for each different type of streets and alleys in the subdivision.
- (2)** Alignment of each street, alley, cross walkway and drainage easement showing a beginning and ending station; each deflection angle of the center line and the station of the point of intersection; the station of the point of curvature and the point of tangency of each curve; the station and angle of intersection of each intersection with another street, alley or drainage easement; the station and radius of each curb return; the location of adjacent right-of-way lines; the location and limits of sidewalks and curbs of each street; the location of each drainage structure; the location and size of all storm sewers; and the length, width, and thickness of cement stabilized base.
- (3)** The top of curb grade at each curb end, each fifty-foot station and each end of each curb return; the center line grade at each end and at each fifty-foot station of alleys and drainage ditches; the gradient of each tangent grade and the location and length of each vertical curve; the direction of storm drainage flow at each intersection; the flow line elevations of each drainage structure; the flow line elevation of each storm sewer at each point of change of grade, each end, and the intervening gradients. The profiles of streets, alleys and drainage ditches shall show the natural ground at adjacent property lines and the proposed center line.
- (4)** Scale, north arrow, date and plat number of the associated plat. Plans and profiles shall be drawn to scales of one (1) inch equals fifty (50) feet horizontally and one (1) inch equals five (5) feet vertically, unless different scales are approved by the Director of Development Services.

- (5) All street and alley plans and profiles shall bear the seal of a licensed professional engineer.

(Ord. No. 98697 § 1)

## **35-B121 Subdivision Plat Applications**

### **(a) Number of Copies**

The director may require the applicant to submit up to forty (40) blue line or black line folded copies of the final plat, one (1) legible eight and one-half by eleven (8 ½ X 11) inch reduced copy, an original and reproducible matte film of the plat, and the items listed in 35-432(b)(1).

### **(b) Format**

Plats shall be drawn in ink on Mylar on sheets eighteen (18) inches wide and twenty-four (24) inches long, with a margin of two and one-half (2 ½) inches on the left side of the sheet, and appropriate margins on the other three (3) sides. Plats shall be drawn at a scale of one hundred (100) feet to one (1) inch unless the Director of Planning approves a smaller scale. Plats that include one-half (½) acre or less in area shall be drawn at a scale of fifty (50) feet to one (1) inch.

Where more than one (1) sheet is necessary to accommodate the entire area to be subdivided, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

### **(c) Contents**

The plat applications shall include the following:

- (1) All of the information required by Table B-1 of this Appendix.
- (2) A performance agreement, if one is required by § 35-436.
- (3) The tax certificates and letters of certification required by § 35-431.
- (4) The plat number issued by the department of planning in the upper right corner, scale, north arrow, and date.
- (5) The name of the subdivider and the name of the record owner of the land involved.
- (6) Location of the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part giving the dimensions of the subdivision.
- (7) The primary control points, approved by the director of public works, or descriptions and ties to such control points, to which all dimensions, angles, bearings, new city block number or county block number, and similar data on the plat shall be referred; and four

- (4) points on the perimeter of the subdivision, identified by coordinates that relate to the state plane coordinate system.
- (8) The tract boundary lines, the exact location and width of all existing or recorded streets, easements, and other rights-of-way intersecting the boundary or streets, easements, and other rights-of-way forming the boundary of the tract being subdivided, and property lines of residential lots and other sites with accurate dimensions, bearing or deflecting angles and radii, area, and central angles of all curves.
- (9) Final contour data to show drainage of the site of the proposed subdivision. If the average grade of the site is five (5) percent or less, the maximum contour interval to be used shall be two (2) feet. If the average grade exceeds five (5) percent, the maximum contour interval may be increased to five (5) feet.
- (10) The name and width of each public and private street or other right-of-way in or adjacent to the subdivision. The right-of-way width on all streets and safety lanes shall be displayed by an overall dimension. The dimensions of the division of the right-of-way on public streets between the centerline of the right-of-way and respective adjacent property line shall be shown. Also, private streets and safety lanes shall be designated as such.
- (11) The name of the subdivision (no more than 35 characters), legal description of the property, and a number to identify each lot or site
- (12) Location, dimensions, and purpose of any easement or reservation and location of any high-pressure oil, gas, or gasoline lines. Easements which are designated to be converted into public street right-of-way on a subsequent plat shall be annotated with the following note: "Easement to expire upon incorporation into platted public street right-of-way."
- (13) Front and side setback lines adjacent to streets, where required.
- (14) The city limits line and the extraterritorial jurisdiction line if either traverses the subdivision.
- (15) The location map indicating the location of the plat in relation to adjacent streets and at least two (2) major thoroughfares in the vicinity.
- (16) Locations and dimensions of any potential recharge features which have been assessed as a high concern feature as designated in the 1987 Report entitled "The Edwards Aquifer: Perspectives For Local and Regional Action" or the latest adopted revision of the assessment chart used to assess such features.
- (17) The county clerk's certificate of authentication as required by the applicable county.
- (18) Wastewater EDU note. The number of wastewater equivalent dwelling units (EDUs) paid for this subdivision plat are kept on file at the San Antonio Water System under the plat number issued by the department of development services.
- (19) Plat name. The term "planned unit development" shall be included in the name of each plat.

- (20) Plat notation. A plat which includes common areas or facilities to be maintained by a community association shall be annotated with the following note:

"A legal instrument establishing a plan for the use and permanent maintenance of the common areas/facilities designated on this plat is being recorded on the same data as this plat."

**(d) Letters of Certification**

The applicant for plat approval shall submit the following items simultaneously with the filing of the subdivision plat:

**(1) Tax Certificates.**

A certificate from the city tax assessor/collector and from the proper official of other taxing agencies within whose jurisdiction the proposed subdivision is located attesting that all ad valorem taxes have been paid on the land included within the plat. The San Antonio Development Agency, in lieu of filing tax certificates, may file a written certificate approved by the city attorney stating that monies have been set aside in the court registry for the payment of taxes. For tax exempt properties, an applicant may submit evidence of the tax exemption in lieu of tax certificates.

**(2) San Antonio Water Systems (SAWS).**

A letter of certification from the City San Antonio Water Systems and in addition, if applicable, other approved water purveyors, stating that the board has received and approved the proposed utilities layout and that adequate service is available to the subdivision or stating that the board has disapproved the proposed utilities layout.

**(3) City Public Service Energy.**

A letter of certification from City Public Service Energy shall be furnished for subdivisions within the City Public Service Energy gas and electric service areas. Where subdivisions, or portions of subdivisions, will be served by gas or electric companies other than City Public Service Energy, letters of certification will come from the companies serving. The letter will certify that adequate service is available and that proposed subdivision plats and utilities layouts have been approved or disapproved.

**(4) Certificates of City Departments.**

Letters of certification from the departments of development services, planning, and parks and recreation stating that they have received and approved or disapproved the applicable data required by subsection (e), below.

**(e) Data required for letters of certification.**

To obtain the required letters of certification, an applicant for plat approval shall submit the following data to the certifying agencies/departments. All data shall be annotated with the plat number of the associated plat.



**(1) Department of Development Services:**

The following information shall be submitted to the department of development services:

- A. 4 copies of the tentative plat
- B. 3 sets of plan and profiles (streets, alley, walks, drainage)
- C. 2 copies of utility layout
- D. 2 copies of street and drainage cost estimates
- E. 2 copies of drainage calculations
- F. 1 copy of traffic impact analysis with threshold work sheet
- G. 1 copy of digital file
- H. If a proposed plat traverses or is contiguous with a state maintained facility, a permit from the Texas Department of Transportation (TxDOT) indicating approval of the proposed access point and right-of-way.

**(2) Floodplain Data and Fees.**

Two (2) copies of all data, as specified by the latest requirements of the Federal Emergency Management Agency, to apply for a conditional letter of map revision and payment of the associated fees, when the proposed plat shall cause a change in the alignment, width, or elevation of a one hundred year floodplain identified on a flood insurance rate map.

**(3) Landfills.**

If the proposed plat is located over a known landfill site, the following additional information shall be submitted. For purposes of this subsection, a "landfill" includes any controlled area of land used for the disposal of solid waste, as defined in the Solid Waste Disposal Act, Chapter 361 of VTCA Health & Safety Code, § 361.003.

- A. Two (2) copies of the proposed plat showing two-foot contours in areas where the slope does not exceed five (5) percent and five-foot contours in areas where the slope exceeds five (5) percent, and delineating the limits of the landfill.
- B. A narrative due diligence report prepared by a licensed engineer which addresses the following items, if known: (1) the name, address, and phone number of the property owner; (2) description of the nature and size of the proposed development, including projected population; (3) the percent of impervious cover after development and certification site will have a positive surface drainage; (4) history and age of the landfill; (5) site geology, including estimates of past and future ground settlement; (6) description and depth of refuse fill; (7) description of planned excavations, penetration of any landfill liner, and ultimate disposal site for excavated refuse; and (8) depth and movement of shallow ground water.
- C. A soil gas survey for methane.
- D. A slope stability analysis for all landfill embankments.

- E. A disclaimer statement reading as follows: "By approving this subdivision plat, the City of San Antonio does not warrant that the development site is suitable for its intended or actual purpose, or that the site is free of any environmental defects or hazardous substances, and the City of San Antonio assumes no liability for the foregoing."

**(4) San Antonio Water System**

- A. The San Antonio Water System requires the applicant to submit documentation that describes:
1. How potable water will be supplied and distributed to the subdivision,
  2. How wastewater collection and disposal will be handled for the subdivision, and
  - 3.
  4. Plans for protection of the Edwards Aquifer (if applicable).
- B. The applicant should contact the San Antonio Water System for a listing of current document submittal requirements.

**(5) To City Public Service Energy:**

- A. Gas and electric service. A copy of proposed plat showing gas and electric easements to be dedicated and a copy of the proposed utilities layout showing locations of utilities, streetlights, fire hydrants, neighborhood delivery and collection box units, and sidewalks..
- B. Street names. A copy of the proposed plat showing the names of all public and private streets.

**(f) Certification and Forms**

All declarations, agreements, bonds, releases and other instruments required by the City of San Antonio shall be substantially in the same form as the particular instruments set out in this exhibit.

**(1) Form A: Surveyor's Certificate.**

A surveyor's certificate as follows:

STATE OF TEXAS  
COUNTY OF BEXAR

I hereby certify that the above plat conforms to the minimum standards set forth by the Texas Board of Professional Land Surveying according to an actual survey made on the ground by: \_\_\_\_\_[name]\_\_\_\_\_

\_\_\_\_\_  
Registered Professional Land Surveyor

**(2) Form B: Engineer's certificate.**

An engineer's certificate is required in all cases except when the plat does not require engineering considerations.

STATE OF TEXAS  
COUNTY OF BEXAR

I hereby certify that proper engineering consideration has been given this plat to the matters of streets, lots and drainage layout. To the best of my knowledge this plat conforms to all requirements of the Unified Development Code, except for those variances granted by the San Antonio Planning Commission.

\_\_\_\_\_  
Licensed Professional Engineer

**(3) Form C: Owner's acknowledgment.**

If the owner authorizes an agent, he shall file a notarized letter to that effect.

STATE OF TEXAS  
COUNTY OF BEXAR

The owner of land shown on this plat, in person or through a duly authorized agent, dedicates to the use of the public, except areas identified as private, forever all streets, alleys, parks, watercourses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Duly Authorized Agent

STATE OF TEXAS  
COUNTY OF BEXAR

Before me, the undersigned authority on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public,  
Bexar County, Texas

**(4) Form D: Approvals.**

Approval of the planning commission or the director of development services as follows:

**A. For minor plats and amending plats to be approved administratively:**

This plat of (name) has been submitted to the City of San Antonio, Texas, and having been reviewed by the Development Services Director, is hereby approved in accordance with state or local laws and regulations as indicated below.

Minor or amending plat approved by the Development Services Director  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D., \_\_\_\_\_.

BY: \_\_\_\_\_  
Director of Planning

**B. For all other plats:**

This plat of (name) has been submitted to and considered by the Planning Commission of the City of San Antonio, Texas, and is hereby approved by such Commission.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D., \_\_\_\_\_.

BY: \_\_\_\_\_

Chairman

BY: \_\_\_\_\_

Secretary

**(5) Form E: Planning Commission Certificate.**

CITY OF SAN ANTONIO  
PLANNING COMMISSION  
CERTIFICATE

This certificate is issued to \_\_\_\_\_ in accordance with V.T.C.A., Local Government Code Section 212.0115 and the San Antonio Unified Development Code for presentation to utility companies to obtain service.

☐ The City of San Antonio has reviewed and approved the plat indicated below. Utility service may be provided after the plat is recorded with the County Clerk's Office.

☐ A plat for the property described below has been reviewed and approved by the City of San Antonio or County Commissioners Court and recorded with the County Clerk's Office. Utility service may be provided.

☐ A plat is not required for the property described below. Utility service may be provided abject to the conditions listed.

Plat:

Property:

Conditions:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
Secretary

Issued by: \_\_\_\_\_

**(6) Form F: Performance Agreement.**

Copy To: \_\_\_\_\_

Name

Address

City &amp; Zip Code

I, \_\_\_\_\_ as \_\_\_\_\_ do hereby agree that if the proposed plat \_\_\_\_\_ (number and name) \_\_\_\_\_, filed by me is approved by the Planning Commission of the City of San Antonio, Texas, the Director of Development Services of the City may retain the plat in his possession without recording same for a maximum period of three (3) years from the date of plat approval, by which time I will have completed all site improvements and same will have been accepted by the City of San Antonio and County if Applicable, or until I have filed with the City Clerk of the City of San Antonio one of the following forms guaranteeing that all such improvements will be constructed within three (3) years of the date of plat approval. The form of the guarantee of performance shall be as follows:

(1) A performance bond, meeting the requirements set out in Chapter 35 of the City Code, and which will be substantially in the form set out in Exhibit B of Chapter 35, in an amount equal to the cost estimate, as approved by the Director of Development Services, of the uncompleted and unaccepted site improvements.

(2) A trust agreement, meeting the requirements set out in Chapter 35 of the City Code and which will be substantially in the form set out in Exhibit B to Chapter 35, in an amount equal to the cost estimate, as approved by the Director of Development Services, of the uncompleted and unaccepted site improvements.

(3) Cash or cashier's check in the full amount of the uncompleted and unaccepted site improvements deposited with the Director of Development Services.

(4) An irrevocable letter of credit, meeting the requirements set forth in Chapter 35 of the City Code and which will be substantially in the form set out in Exhibit B to Chapter 35, in an amount equal to the cost estimate, as approved by the Director of Development Services, of the uncompleted and unaccepted site improvements.

In any event, I fully understand and agree that, in addition to the requirement for a performance bond, trust agreement, letter of credit, and/or cash or cashier's check deposit to guarantee completion and acceptance of the site improvements before the plat is recorded, as hereinbefore stated, I, the undersigned subdivider and my heirs, or assigns, successors, or subsequent purchasers having any right, title or interest in the property described as \_\_\_\_\_ or any part thereof, shall be liable to the City of San Antonio that all site improvements will be completed and, except for planned residential district bufferyards and public benefit features, accepted by the City within the time provided herein. However, should the completion of such site improvements be delayed by reason of strikes, riots, acts of God, acts of the public enemy, injunction or other court action, or any other cause similar to those enumerated beyond my control, I shall be entitled to an extension of time equal to the time of such delay, which extension of time is to be fixed finally by written certificate made by the Director of Development Services. It is expressly declared that no such allowance of time will be made unless claimed by me and allowed and certified in writing by the Director of Development Services at the end of each period of such delay.

I further fully understand and agree that, at the end of each one-year period until the expiration of three (3) years from the date of plat approval, the Director of Development Services shall review the cost estimate to complete the uncompleted site improvements outstanding at that date to determine the adequacy of any existing performance guarantee. Should the Director Development Services conclude that the sum set out in such performance guarantee is inadequate to provide for the completion of the uncompleted site improvements at the then prevailing construction costs, he shall require either a substitute or an additional guarantee to cover the newly estimated cost.

Should such necessary additional or substitute guarantee fail to be provided to the Director of Development Services within thirty (30) days of the request for same, I understand and agree that the Director of Public Works shall refuse to accept a performance guarantee under any form which is related to the plat of a subdivision in which I have a principal or subsidiary interest. Such a plat once it has been approved by the Planning Commission may be recorded only in the manner prescribed in Chapter 35 of the City Code.

In addition, I further fully understand and agree that, if after the expiration of the time periods referred to herein, the site improvements have not been satisfactorily completed and accepted, the Director of Development Services shall refuse to accept a performance guarantee, under any form, which is related to the plat of a subdivision in which I have a principal or subsidiary interest.

In any event, I agree that approval of the plat shall expire after three (3) years from date of approval unless I have either completed all site improvements and have had same accepted by the City or provided an appropriate performance guarantee.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Subdivider \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

(Ord. No. 98697 § 1) (Ord. No. (99795)

**(7) Form G: Performance Agreement.**

State of Texas X \_\_\_\_\_

County of Bexar X \_\_\_\_\_

Before me, the undersigned authority, a notary public for the State of Texas, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

**(8) Form H: Performance Bond.**

State of Texas X

X

County of Bexar X

Known all men by these presents:

That we, \_\_\_\_\_, the undersigned subdivider as principal, and \_\_\_\_\_, as surety, do hereby acknowledge ourselves to be held and firmly bound unto the City of San Antonio, a municipal corporation of the County of Bexar and State of Texas, in the full and just sum of \$\_\_\_\_\_, for the payment of which will and truly to be made; we hereby bind ourselves and our respective heirs, administrators, executors and assigns jointly and severally, firmly by these presents.

Whereas, the principal had petitioned the Planning Commission of the City of San Antonio for permission to develop a subdivision within the jurisdiction of the City of San Antonio which is shown on a subdivision plat (number and name) and which is more particularly described as follows, to wit:

; and

Whereas, such subdivision plat was approved by the Planning Commission on \_\_\_\_\_; and

Whereas, the San Antonio Unified Development Code requires that the site improvements set out below be completed by the subdivider in conformance with the standards established by the code within three (3) years from the date on which the plat was approved; and

Whereas, the aforesaid code requires that an approved subdivision plat may not be filed for record in the office of the County Clerk until such site improvements have been completed and have been accepted by the City of San Antonio, or until there is provided to the City of San Antonio a guarantee of performance that such site improvements will have been completed and will have been accepted by the City within three (3) years of the date on which the plat was approved; and

Whereas, the undersigned subdivider has elected to provide to the City of San Antonio such a guarantee of performance as a condition precedent to the filing of the plat of the subdivision hereinabove described for record in the office of the County Clerk;

Now therefore, the condition of this obligation is such that if the principal shall, on or before the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, construct or cause to be constructed the above mentioned improvements in accordance with the requirements of the City of San Antonio Unified Development Code, then this obligation shall be void; otherwise the obligations under this bond shall remain in full force and effect.

In testimony whereof, witness our hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Subdivider and Principal

By: \_\_\_\_  
Title: \_\_\_\_  
By: \_\_\_\_

Attorney-in-fact

Approved and accepted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

City of San Antonio

By: \_\_\_\_  
Title: \_\_\_\_

Approved as to form: \_\_\_\_

City Attorney

(ATTACHMENT: Power of Attorney)

**(9) Form J: Trust Agreement.**

This agreement is between \_\_\_\_\_ subdivider, trustee, and the City of San Antonio.

Subdivider has deposited (or herewith deposits) subject to the order of subdivider and trustee jointly as provided in this agreement in the (name and location of bank, trust company or qualified escrow agent \_\_\_\_\_), Texas, the sum of \$\_\_\_\_\_ for the purpose of constructing site improvements in \_\_\_\_\_ Subdivision, plat # \_\_\_\_\_, in \_\_\_\_\_ County, Texas for the benefit of the public represented by the City of San Antonio and more particularly described as follows:

Type of Site Improvement (Gas and electric lines not Estimated Cost included)

Streets\$ \_\_\_\_\_  
 Sidewalks\$ \_\_\_\_\_  
 Alleys\$ \_\_\_\_\_  
 Storm drainage\$ \_\_\_\_\_  
 Sanitary Sewers\$ \_\_\_\_\_  
 Water\$ \_\_\_\_\_  
 Other (specify)\$ \_\_\_\_\_

Trustee agrees to authorize expenditures from such trust account, execute checks, drafts and other orders of withdrawal only for the purpose of paying for the cost of constructing such site improvements, and such orders shall show thereon the purpose of the withdrawals. The expenditure(s) for each type of site improvements shall be made only in amounts not to exceed the estimated cost thereof shown above. Trustees shall provide the Director of Development Services and County Engineer with a statement of such expenditures in the above subdivision (by type of site improvements) within five (5) days of their authorization.

Subdivider shall, within five (5) days after any single withdrawal of one thousand dollars (\$1,000.00) or more, or a combination of withdrawals of one thousand dollars (\$1,000.00) or more has been made, furnish an affidavit showing that the sums of money so withdrawn were expended by subdivider on prescribed site improvements, indicating the percentage of site improvements completion and estimating the date of site improvements completion. The affidavit shall be submitted substantially in the following form:

Affidavit

State of Texas X  
 X  
 County of Bexar X

Before me, the undersigned authority in and for the state and county aforesaid, on this day personally appeared \_\_\_\_\_, who, being by me first duly sworn upon his oath deposes and says:

I, \_\_\_\_\_, subdivider of the \_\_\_\_\_, under date(s) of \_\_\_\_\_, withdrew the sum(s) of \$\_\_\_\_\_ from the trust account heretofore deposited with \_\_\_\_\_, trustee, and created for such use and purpose, and expended such funds so withdrawn on prescribed site improvements to \_\_\_\_\_ subdivision as follows:

Subdivisions

Site Improvement	Amount	Percentage of Completion
_____\$_____	_____\$_____	_____\$_____

With the expenditure of these funds, it is estimated that the prescribed site improvements will be completed by, \_\_\_\_\_.

\_\_\_\_\_  
 Notary Public in and for  
 The State of Texas

Until this affidavit is accomplished, no further withdrawals shall be made from the trust account. The trustee shall be authorized to release further funds to the subdivider only after receipt of written notification therefore from the Director of Development Services to do so.



Subdivider agrees to construct all site improvements within three (3) years from the date of plat approval.

Upon the failure of the subdivider to provide such site improvements as herein provided, any remaining balance in such trust account shall be paid by trustees to the City of San Antonio for the sole purpose of completing, repairing, maintaining or otherwise working on the site improvements in such subdivision. Upon demand by the City Manager or his duly authorized representative, it is hereby understood that payment to the City shall be made on the order of the trustee without the necessity of joinder by the subdivider.

A certificate that the sum required herein is on deposit in the above named bank, trust company or qualified escrow agent, subject to withdrawal only as provided herein, signed by an authorized official thereof, is attached hereto.

A copy of this agreement has been supplied to the bank, trust company, or qualified escrow agent, named by the undersigned trustee.

In testimony whereof witness our hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.

\_\_\_\_\_

Subdivider

Attest:

By: \_\_\_\_\_ By: \_\_\_\_\_

Title: \_\_\_\_\_ Title: \_\_\_\_\_

\_\_\_\_\_

Trustee

Attest:

By: \_\_\_\_\_ By: \_\_\_\_\_

Title: \_\_\_\_\_ Title: \_\_\_\_\_

\_\_\_\_\_

City of San Antonio

Attest:

By: \_\_\_\_\_ By: \_\_\_\_\_

Title: \_\_\_\_\_ Title: \_\_\_\_\_

\_\_\_\_\_

Approved as to form: \_\_\_\_\_

Title: \_\_\_\_\_

(ATTACHMENT: Letter of Escrow)

(Ord. No. 99795)

**(10) Form K: Irrevocable Letter of Credit.**

No. \_\_\_\_\_

\_\_\_\_\_ (Name of bank, trust company or agent)

To: City of San Antonio

City Hall Date: \_\_\_\_\_

P.O. Box 839966

San Antonio, Texas

78283-3966 Amount: \_\_\_\_\_

Gentleman/Ladies:

At the request of \_\_\_\_\_ (subdivider) \_\_\_\_\_, and for the account of \_\_\_\_\_ (name of company/corporation) \_\_\_\_\_, we hereby open in favor of the City of San Antonio our irrevocable letter of credit for sum or sums not exceeding \$\_\_\_\_\_ dollars available by your demand on us and documents specified below:

A signed statement by the Director of Development Services and County Engineer certifying that the funds drawn under this letter of credit are needed to pay for the completion of all or any of the following improvements:

Type of Site Improvement (Gas and electric lines not Estimated Cost included):

Streets\$ \_\_\_\_\_  
Sidewalks\$ \_\_\_\_\_  
Sanitary Sewers\$ \_\_\_\_\_  
Alleys\$ \_\_\_\_\_  
Storm drainage\$ \_\_\_\_\_  
Water\$ \_\_\_\_\_  
Other (specify)\$ \_\_\_\_\_

Total:\$ \_\_\_\_\_

in connection with \_\_\_\_\_ (name of subdivision and unit #) \_\_\_\_\_, plat # \_\_\_\_\_, and further that \_\_\_\_\_ (subdivider) \_\_\_\_\_ has failed to complete the work stated. Such demands will be honored if presented at this office on or before \_\_\_\_\_ (month, date, year) \_\_\_\_\_ which is three (3) Years and ninety (90) days from the date of plat approval.

\_\_\_\_ (Name of bank, trust company or agent), will provide written notification to the City of San Antonio, City Hall, P.O. Box 839966, San Antonio, Texas, 78283-3966, ninety (90) days prior to the expiration of this letter of credit as advice of the pending expiration.

\_\_\_\_  
Bank, Trust Company or Qualified Escrow Agent

Attest:

By: \_\_\_\_ By: \_\_\_\_

Title: \_\_\_\_ Title: \_\_\_\_

\_\_\_\_  
Date of Execution

\_\_\_\_  
Attest: Subdivider

By: \_\_\_\_ By: \_\_\_\_  
Title: \_\_\_\_ Title: \_\_\_\_

\_\_\_\_  
Date of Execution

City of San Antonio  
By: \_\_\_\_  
Title: \_\_\_\_

Attest:  
By: \_\_\_\_  
Title: \_\_\_\_

Date of Execution

Approved as to form:

\_\_\_\_  
City Attorney

(Ord. No. 99795)

**(11) Form L: Release of Obligations under Performance Agreement.**

Upon Release Send to: \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City and Zip Code \_\_\_\_\_

Dated \_\_\_\_\_

For \_\_\_\_\_

(subdivision, plat number)

State of Texas X

X

County of Bexar X

Know all men by these presents, that the City of San Antonio, a municipal corporation, by \_\_\_\_\_, its Development Services Director, does hereby release \_\_\_\_\_, his heirs, and assigns, successors, or subsequent purchasers having any right, title or interest in the property described as \_\_\_\_\_ (name and plat number) \_\_\_\_\_, from any and all obligations incurred under the performance agreement executed \_\_\_\_\_, concerning the construction of site improvements on the property known as (name and plat number)

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**(12) Form M: Vacating Declaration.**

Name \_\_\_\_\_

Address \_\_\_\_\_

City &amp; Zip Code \_\_\_\_\_

State of Texas X

X

County of Bexar X

Vacating declaration for \_\_\_\_\_ Subdivision, plat number \_\_\_\_\_. Know all men by these presents that I (we), the undersigned, hereby acknowledge that I am (we are) the owner(s)/proprietor(s) of all the lots embraced by plat number \_\_\_\_\_ known as \_\_\_\_\_, (a copy of which is attached hereto), approved by the City of San Antonio on \_\_\_\_\_, and recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, \_\_\_\_\_ County Deed and Plat Records.

In accordance with V.T.C.A, Local Government Code Section 212.013 and the San Antonio Unified Development Code, the undersigned hereby declare(s) such plat (or portion of such plat as described below) known as \_\_\_\_\_, plat number \_\_\_\_\_, to be vacated. (If only a portion of the plat is being vacated, describe the area being vacated.)

It is the intent of the undersigned to nullify the force and effect of the recordation of the above referenced plat (or the portion described of the above referenced plat) by filing this vacation instrument in the \_\_\_\_\_ County Deed and Plat Records and to cause the County Clerk to write the word "vacated" in plain, legible letters across the plat (or portion of the plat) so vacated.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

By: \_\_\_\_\_

Owner

\_\_\_\_\_  
Owner's Duly Authorized Agent

Title: \_\_\_\_\_

State of Texas X

X

County of Bexar X

Before me, the undersigned authority, a notary public for the State of Texas, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed. Given under my hand and seal of office, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My commission expires: \_\_\_\_\_

(There shall be a signature space for each proprietor; there shall be an acknowledgment for each signature; if there is more than one page, the pages shall be numbered page \_\_\_\_\_ of \_\_\_\_\_ (Vacating Declaration for \_\_\_\_\_ Subdivision Plat)).

This vacating declaration for \_\_\_\_\_ Subdivision Plat, plat number \_\_\_\_\_, submitted to and considered by the City of San Antonio, is hereby approved.

Dated \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.

By: \_\_\_\_\_  
Planning Commission Chairman

By: \_\_\_\_\_  
Planning Commission Secretary

or

By: \_\_\_\_\_  
Director of Planning

**(13) Form N: Plat Deferral Affidavit.**

STATE OF TEXAS )  
COUNTY OF BEXAR )

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed hereto, and being by me first duly sworn, did upon his oath depose and say the following:

(1) My name is \_\_\_\_\_ and I am the owner/agent of and/or corporate representative for of the property located at \_\_\_\_\_.

(2)I have applied to the Planning Commission for a plat deferral in accordance with the City of San Antonio Unified Development Code to obtain a building permit and/or utilities prior to platting/replatting the above described property.

(3)I fully understand that the granting of a plat deferral by the City of San Antonio Planning Commission is predicated upon certain conditions, one of which is the execution of this affidavit prior to the consideration of the request.

(4)I fully understand that the granting of a plat deferral by the City of San Antonio Planning Commission does not in any way relieve me from the requirements of the City of San Antonio Unified Development Code relative to the above described property and I agree to cause a plat of the property to be filed with the Planning Commission within 180 days of the plat deferral approval date.

(5)I fully understand and acknowledge the risks, including financial risks, accompanying the construction of \_\_\_\_\_ prior to the platting/replatting of the above-described property.

(6)I hereby waive any rights to assert a claim or cause of action against the City of San Antonio (including the City acting by and through the City Public Service Energy) now or in the future in connection with the granting of this plat deferral.

(7)I hereby acknowledge that the above described property or any rights therein shall not be assigned, conveyed, sold, or otherwise hypothecated prior to the platting/ replatting of the property.

(8)I fully understand and acknowledge that if the subdivision plat is not formally filed with the Planning Commission within 180 days of the plat deferral approval date and considered within 30 days thereafter, the Commission may, upon reasonable notice as provided in its procedures, authorize termination of utility service and/or revoke the building permit to the property until such time the property is platted in accordance with the Unified Development Code.

(9)The above notwithstanding, I hereby agree to indemnify and save harmless the City of San Antonio (including the City acting by and through the City Public Service Energy) from any and all claims, suits, demands, damages, responsibilities, and expenses (including attorneys fees and court costs) and from liabilities of every kind and character incurred, known or unknown, existing now or hereinafter arising from, or in any way connected with the granting of a plat deferral by the City of San Antonio Planning Commission in accordance with the Unified Development Code to obtain a building permit and/or utility connection prior to platting of the above described property.

BY: \_\_\_\_\_

Title \_\_\_\_\_

Sworn to and subscribed before me by \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to certify which witness by hand and seal of office.

\_\_\_\_\_  
Notary Public, State of Texas

My commission expires: \_\_\_\_\_

**(14) Form O: Replat Certification (For areas limited by zoning or deed restrictions to single or duplex family residential use).**

State of Texas	X
	X
County of Bexar	X

The area being replatted was previously platted on plat (name and number) which is recorded in volume \_\_\_\_\_, page \_\_\_\_\_, (name) County plat and deed records. The San Antonio Planning Commission at its meeting of (date) held a public hearing which involved notification on the proposed replatting of this property.

I (we), the owner(s) of the property shown on this replat hereby certify that this replat does not amend or remove any covenants or restrictions.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner's duly authorized agent

Sworn and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My commission expires: \_\_\_\_\_.

**(15) Form P: Replat Certification (For areas not limited by zoning or deed restrictions to single or duplex family residential use).**

State of Texas X  
X  
County of Bexar X

The area being replatted was previously platted on plat (name and number) which is recorded in volume \_\_\_\_\_, page \_\_\_\_\_, (name) County plat and deed records.

I (we), the owner(s) of the property shown on this replat hereby certify that this replat does not amend or remove any covenants or restrictions. I (we) further certify that no portion of this replat was limited during the preceding five years by an interim or permanent zoning classification to residential use for not more than two residential units per lot, or that any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner's duly authorized agent

Sworn and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the  
State of Texas

My commission expires: \_\_\_\_\_.

**(16) Form Q: Replat Certification (For areas designated or reserved for other than single or duplex family residential use).**

State of Texas X  
X  
County of Bexar X

The area being replatted was previously platted on plat (name and number) which is recorded in volume \_\_\_\_\_, page \_\_\_\_\_, (name) County plat and deed records.

I (we), the owner(s) of the property shown on this replat hereby certify that this replat does not amend or remove any covenants or restrictions. I (we) further certify that the area of this replat was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner's duly authorized agent

Sworn and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My commission expires: \_\_\_\_\_.

### (17) Form R: Regional Stormwater Management participation form.

#### REGIONAL STORMWATER MANAGEMENT PARTICIPATION FORM

Date: \_\_\_\_\_  
Name of Site: \_\_\_\_\_  
Address of Site: \_\_\_\_\_  
Watershed: \_\_\_\_\_  
Type of Development: \_\_\_\_\_  
Acreage of Participation: \_\_\_\_\_  
Owner/Developer: \_\_\_\_\_  
Engineer/Contact: \_\_\_\_\_  
Firm: \_\_\_\_\_ Phone: \_\_\_\_\_  
Master Development Plan File Number: \_\_\_\_\_  
Plat No.: \_\_\_\_\_  
Cost Per Acre: \_\_\_\_\_  
Total Cost: \_\_\_\_\_

I am the owner(s), or an agent of the owner, authorized to execute this acknowledgement, of the above described property. It is acknowledged that the proposed development of the property will impact the above noted watershed and that said development falls under the provisions of Ordinance No. \_\_86711\_\_ passed and approved the \_\_25th\_\_ day of \_\_September\_\_, 1997. Further, it is acknowledged that I have elected to pay a stormwater development fee, in the applicable amount as set out in the current fee schedule, in lieu of constructing on-site facilities.

\_\_\_\_\_  
OWNER

It is acknowledged that the stormwater development fee for development of property, as described above, is hereby accepted. It is further acknowledged that said fee shall be placed into the Regional Stormwater Management Program account and shall be used solely in the manner prescribed in Ordinance No. \_\_86711\_\_ passed and approved the \_\_25th\_\_ day of \_\_September\_\_, 1997.

\_\_\_\_\_  
CITY



(18) Form S: Street Right-of Way Dedication within the ETJ

**STREET RIGHT-OF-WAY DEDICATION**  
**WITHIN THE EXTRATERRITORIAL JURISDICTION**  
**OF THE CITY OF SAN ANTONIO**

**DATE:** \_\_\_\_\_

**GRANTOR(S):** \_\_\_\_\_

**GRANTOR'S MAILING ADDRESS:**

\_\_\_\_\_  
STREET

\_\_\_\_\_  
CITY, STATE, ZIP CODE

**TRUSTEE:** COUNTY OF BEXAR, TEXAS  
100 DOLOROSA  
SAN ANTONIO, TEXAS 78205

Should the property made the subject of this instrument be annexed or otherwise incorporated into the city limits of the City of San Antonio, the trustee shall be the City of San Antonio.

**CONSIDERATION:** EXEMPTION FROM PLATTING REQUIREMENTS TO SHOW RIGHT-OF-WAY DEDICATION AS OTHERWISE REQUIRED BY THE CITY CODE OF THE CITY OF SAN ANTONIO.

Grantor, for and in consideration of the consideration as stated above, dedicates to the use of the public the property as described by metes and bounds in Exhibit "A", attached hereto and incorporated herein for all purposes, for all public street right-of-way uses. Grantor does hereby bind Grantor and all of Grantor's heirs, assigns and successors to warrant and forever defend all and singular such property unto the Grantee against every person or entity claiming the same or any part thereof, by, through and under Grantor, but not otherwise. Grantor further acknowledges and accepts for such consideration the responsibility for the maintenance and safety and all costs related thereto of such property until such time as it actually is used for a public street right-of-way purpose.

If no reasonable progress towards the utilization of the property for a public street right of way is made within twenty (20) years from the filing date of this instrument, this instrument and its dedication of such property for a public street right-of-way use shall be void.

When the context requires, singular nouns and pronouns include the plural.

\_\_\_\_\_  
**GRANTOR**

**STATE OF TEXAS  
COUNTY OF BEXAR**

*This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ in the  
year \_\_\_\_\_, by  
grantor(s) \_\_\_\_\_  
\_\_\_\_\_.*

\_\_\_\_\_  
**Notary Public -- State of Texas**

*This dedication instrument has been submitted to and considered by the Planning  
Commission of the City of San Antonio, Texas and is hereby approved by such  
Commission.*

*Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_*

**BY** \_\_\_\_\_  
**CHAIRMAN**

**BY** \_\_\_\_\_  
**SECRETARY**

**(g) Neighborhood Delivery and Collection Box Units.**

The subdivider shall coordinate with the United States Postal Service for the location and placement of neighborhood delivery and collection box units by the postal service in accordance with the agreement between the City and the postal service. A copy of this agreement is on file with the director of development services.

The location of the neighborhood delivery and collection box units shall be shown on the utility layout and approved by the reviewing agencies/departments prior to plat approval.

**(h) Airport Height Limitations.**

Height limitations imposed by the airport zoning ordinance of the City shall be shown on the subdivision plat in cases where those limitations prohibit the erection of any building or structure of a height of more than twenty (20) feet above ground elevation of the proposed location of the building or structure. These limitations shall be shown in terms of height above ground elevation at appropriate locations on the plat and shall also include existing or finished elevations at those

points. The director of development services may require any information from the subdivider necessary to establish the effect of the airport zoning ordinance on any subdivision plat submitted for consideration by the planning commission. This information shall be provided and certified by the registered professional engineer or registered land surveyor employed by the subdivider.

When the above limitations are determined to be in effect within the boundaries of the proposed subdivision, the owner's certification shall include the following statement: "I understand that this subdivision is subject to the restrictions of the airport zoning ordinance and the maximum height of any proposed structure or building within this subdivision will be limited in accordance with the provisions of that ordinance."

(Ord. No. 97568 § 2) (Ord. No. 98697 § 1) (Ord. No. 99795 § 1)

**35-B122 Traffic Impact Analysis**

The TIA shall be signed and sealed by a professional engineer, registered to practice in Texas. The following information shall be provided in the following format:

**(a) Level 2 and 3 TIA Format.**

A Level 2 TIA and a Level 3 TIA, when required, shall consist of:

**(1) Traffic Analysis Map.**

- A. Land use, site and study area boundaries, as defined (provide map).
- B. Existing and proposed site uses
- C. For TIAs that use land use as a basis for estimating projected traffic volumes, Existing and proposed land uses on both sides of boundary streets for all parcels within the study area (provide map).
- D. Existing and proposed roadways and Intersections of boundary streets within the study area of the subject property, including traffic conditions (provide map).
- E. All major driveways and intersecting streets adjacent to the property will be illustrated in detail sufficient to serve the purposes of illustrating traffic function; this may include showing lane widths, traffic islands, medians, sidewalks, curbs, traffic control devices (traffic signs, signals, and pavement markings), and a general description of the existing pavement condition.
- F. Photographs of adjacent streets of the development and an aerial photograph showing the study area.

**(2) Trip Generation and Design Hour Volumes (provide table).**

- A. A trip generation summary table listing each type of land use, the building size assumed, the average trip generation rates used (total daily traffic and a.m./p.m. peaks), and the resultant total trips generated shall be provided.
- B. Generated vehicular trip estimates may be discounted in recognition of other reasonable and applicable modes, e.g., transit, pedestrian, bicycles. Furthermore, trip generation estimates may also be discounted through the recognition of pass by trips and internal site trip satisfaction.
- C. Proposed trip generation calculations for single-story commercial properties shall be based on the following: (A) the floor area ratio (FAR) requested in the application, or (B) if no FAR is requested in the application, the maximum FAR permissible in the zoning district, if any, or (C) if no FAR is requested in the

application and the property is not subject to Article III of this Chapter, a floor-to-area (building size to parcel size) ratio 0.25 shall be used.

**(3) Trip Distribution (provide figure by site exit).**

The estimates of percentage distribution of trips by turning movements from the proposed development.

**(4) Trip Assignment (provide figure by site entrance and boundary street).**

The direction of approach of site-attracted traffic via the area's street system.

**(5) Existing and Projected Traffic Volumes (provide figure for each item).**

Existing traffic volumes are simply the numbers of vehicles on the streets within the Impact Area during the time periods listed below, immediately prior to the beginning of construction of the land development project. Projected traffic volumes are the numbers of vehicles, excluding the site-generated traffic, on the streets of interest during the time periods listed below, in the build-out year.

- A. A.M. Peak hour site traffic (including turning movements).
- B. P.M. Peak hour site traffic (including turning movements).
- C. A.M. Peak hour total traffic including site-generated traffic and Projected Traffic (including turning movements).
- D. P.M. Peak hour total traffic including site-generated traffic and Projected Traffic (including turning movements).
- E. For special situations where peak traffic typically occurs at non-traditional times, e.g., major sporting venues, large specialty Christmas stores, etc., any other Peak hour necessary for complete analysis (including turning movements).
- F. Total daily existing traffic for street system in study area.
- G. Total daily existing traffic for street system in study area and new site traffic.
- H. Total daily existing traffic for street system in study area plus new site traffic and projected traffic from build-out of study area land uses

**(6) Capacity Analysis (the applicant shall provide analysis sheets in appendices).**

- A. A capacity analysis shall be conducted for all public street intersections and junctions of major driveways with public streets which are significantly impacted (within the Study Area Boundary as defined in this code (as agreed to by the developer's engineer and the City Traffic Engineer). A capacity analysis is required as shown below:

	Boundary Street	Non-Boundary Street within Study Area
Existing Conditions	Required	Required
Phase 1	Required	Not Required
Intermediate Construction	Required	Not Required
Phases		
Final Phase/Build-Out Year	Required	Required
(Existing Construction)		
Final Phase/Build-Out Year	Required	Required
(Proposed Infrastructure)		

- B. Capacity analysis will follow the principles established in the latest edition of the Transportation Research Board's Highway Capacity Manual (HCM), unless otherwise directed by the director of development services. Capacity will be reported in quantitative terms as expressed in the HCM and in terms of traffic level of service.
- C. Capacity analysis will include traffic queuing estimates for all critical applications where the length of queues is a design parameter, e.g., auxiliary turn lanes, and at traffic gates.

(Ord. No. 98697 § 1)

**(7) Conclusions and Requirements.**

Conclusions and requirements shall be included consistent with § 35-502(f) of this ordinance.

**(b) Level 1 TIA Format.**

A Level 1 TIA, when required, shall consist of:

**(1) Traffic Analysis Map.**

- A. Site and study area boundaries, as defined (provide map)
- B. Existing and proposed site uses
- C. All major driveways and intersecting streets adjacent to the property will be illustrated in detail sufficient to serve the purposes of illustrating traffic function; this may include showing lane widths, traffic islands, medians, sidewalks, curbs, traffic control devices (traffic signs, signals, and pavement markings), and a general description of the existing pavement condition.

**(2) Peak Hour Trip Generation.**

- A. The estimates of peak hour trips generated by the development; and

- B. the percentage distribution of such trips from each site exit and to each site entrance.

### **35-B123 Tree Permit-Tree Preservation Plan Option**

#### **(a) Number of Copies**

The applicant shall submit a tree preservation/Affidavit application with three (3) sets of tree preservation plans, a survey showing the location of all significant, heritage, or mitigation trees, including clusters, an inventory with calculations, and tree protection notes as provided herein.

#### **(b) Format**

The tree survey shall be drawn to scale with sufficient clarity to indicate the location and extent of the work proposed, and show in detail that it conforms to the requirements of this section. The survey shall be submitted on a tree preservation (TP) sheet(s) and shall relate to the civil drawings. A survey that cannot be drawn on a single sheet shall be drawn with appropriate match lines on two (2) or more sheets. A TP survey sheet may also include the tree inventory, calculations, and the tree protection notes at the discretion of the applicant. It shall be the responsibility of the permit holder to maintain a copy of the tree permit, the data and drawings required by this section, and the conditions of approval imposed by the city arborist readily available at the site at all times during which the authorized work is in progress. All tree preservation plans shall be submitted in the form required by the city arborist and shall contain and provide tree protection notes, details and specifications clearly indicating the trees which will remain and the trees which are to be removed.

#### **(c) Contents**

- (1) **The Tree Preservation Plan** contains three components: a tree survey, the tree inventory, and the tree protection notes.

- A. Multifamily residential, commercial and other development:

- 1. **The Tree Survey.** The tree survey shall, at a minimum, provide the following:
  - i. A vicinity map, project name, street address (or plat #, parcel #, or legal description), date, scale, north arrow and the names, addresses and telephone numbers of the person(s) preparing the plan;
  - ii. The location, species and size in diameter inches of each significant, heritage, (see Section 35-523(d)) or mitigation trees, and any cluster or natural areas used to meet the requirements within the project area. Each tree is to be given a unique number which cross references or identifies the trees in the inventory;

- iii. The location of property lines, existing site grades and proposed site grades, location and width of existing and proposed streets and alleys, utility easements, driveways, parkways, and sidewalks on or adjacent to the project;
  - iv. Approximate centerlines of existing watercourses and the location of the 100-year floodplain; approximate location of significant drainage features and any major topographical features;
  - v. The location and dimensions of all staging areas and/or designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment, and related items as well as stockpile areas for the storage of construction supplies and materials; and
  - vi. The location of all improvements and their proximity to Significant or Heritage trees.
2. **The Tree Inventory.** A tree inventory shall include:
- i. The diameter inches of and species of each significant, heritage, (see Section 35-523(d)) or mitigation trees and optional cluster trees; tree number, species, DBH, location, and disposition of each tree;
  - ii. Reasons for removal of any such trees;
  - iii. Calculations indicating total diameter inches, inches preserved, and percent preservation, with a delineation of Significant and Heritage trees; and
  - iv. The tree designation (Significant or Heritage tree) and desirability percentage.
3. **The Tree Protection Notes.** The tree protection notes shall include written information containing acceptable activities on the site and within the root protection zone of each tree, cluster or natural area to be preserved to meet the requirements for this standard, including:
- i. Details and graphics illustrating the protective measures such as fencing and alternative construction methods; and
  - ii. Specifications denoting the criteria for methods and materials used for tree protection.
- B. Residential:
1. **The Tree Survey.** For lots located inside the city limits, the developer or property owner must provide a tree survey of the area contained in the



front and rear yard setbacks, as established in the lot layout standards of this code, of the lots that are to be made ready for construction. For such lots located in a planned unit development, the developer or property owner must provide a tree survey of that portion of the front and rear yards within twenty (20) feet of the front and rear property lines respectively. For lots that are to be made ready for construction located outside the city limits, but in the ETJ and/or a planned unit development, the developer or property owner must provide a tree survey of that portion of the front and rear yards within twenty (20) feet of the front and rear property lines respectively. The tree survey shall, at a minimum, provide the following:

- i. A vicinity map, project name, street address (or plat #, parcel #, or legal description), date, scale, north arrow and the names, addresses and telephone numbers of the person(s) preparing the plan;
  - ii. A current aerial photograph (a minimum resolution of 6 inch pixels) with an overlay of the development, an outline of the tree area(s) and the tree area(s) and understory that are to be preserved to meet the requirement standards;
  - iii. The location of property lines, existing grades and proposed grades, location and width of existing and proposed streets and alleys, utility easements, driveways, parkways, and sidewalks on or adjacent to the project;
  - iv. Approximate centerlines of existing watercourses and the location of the 100-year floodplain; approximate location of significant drainage features and any major topographical features;
  - v. The location and dimensions of all staging areas and/or designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment, and related items as well as stockpile areas for the storage of construction supplies and materials;
  - vi. The location of all improvements and their proximity to significant or heritage trees; and
  - vii. Location, size, and species of all heritage trees.
2. **The Tree Inventory.** A tree inventory shall include:
- i. The calculations for the preservation ratio of trees to be preserved; and
  - ii. Reasons for removal of any such trees.

3. **The Tree Protection Notes.** The tree protection notes shall include written information containing acceptable activities on the site and within the root protection zone of each tree, cluster or natural area to be preserved to meet the requirements for this standard, including details and graphics illustrating the protective measures such as alternative construction methods.

(Ord. No. 97332 § 9)

### **35-B124 Tree Permit-Tree Affidavit Option**

In lieu of a tree permit, a notarized tree affidavit with fees and required information may be submitted verifying that no significant or heritage tree required to be counted for calculating minimum tree preservation requirements will be damaged or removed as a result of the application or receipt of the approval requested.

#### **(a) Number of Copies**

The applicant shall submit a tree preservation/Affidavit application with one (1) copy at the platting stage and three (3) sets at the building permit stage.

#### **(b) Format**

- (1) A vicinity map, project name, street address (or plat #, parcel #, or legal description), date, scale, north arrow and the names, addresses and telephone numbers of the person(s) preparing the plan,
- (2) Any aerial photograph that cannot be plotted on a single sheet shall be plotted with appropriate match lines on two (2) or more sheets. A tree preservation survey sheet may also include the tree area calculations and the tree protection notes at the discretion of the applicant. It is the applicant's responsibility to insure that all parts of the tree preservation plan are transferred to each appropriate person concerned with the development project.

#### **(c) Contents**

- (1) A current aerial photograph (a minimum resolution of 6 inch pixels) with an overlay of the development, an outline of the tree area(s) and the tree area(s) and understory that are to be preserved to meet the requirement standards; and
- (2) The location of property lines, existing grades and proposed grades, location and widths of existing and proposed streets and alleys, utility easements, driveways, parkways, and sidewalks on or adjacent to the project; and
- (3) Basic descriptive information regarding the vegetation type(s) that are within the existing tree area(s).

(Ord. No. 97332 § 10)

**35-B125 Tree Permit-Tree Stand Delineation Plan Option**

As an alternative option to the tree preservation plan, a tree stand delineation plan may be submitted. The tree stand delineation plan that is required with the master development plan shall include at a minimum a current aerial photograph with a minimum resolution of 6 inch pixels with a scale of one (1) inch equals four-hundred (400) feet (1"= 400'), and additional information contained herein.

**(a) Number of Copies**

The applicant shall submit a tree preservation/affidavit application with three (3) sets of the tree stand delineation plan.

**(b) Format**

- (1) A vicinity map, project name, street address (or plat #, parcel #, or legal description), date, scale, north arrow and the names, addresses and telephone numbers of the person(s) preparing the plan;
- (2) A tree preservation plan sheet with a current aerial photograph (a minimum resolution of 6 inch pixels) with an overlay of the development, an outline of the tree area(s) and the tree area(s) and understory that are to be preserved to meet the requirement standards; and
- (3) Any aerial photograph that cannot be plotted on a single sheet shall be plotted with appropriate match lines on two (2) or more sheets. A tree preservation survey sheet may also include the tree area calculations and the tree protection notes at the discretion of the applicant. It is the applicant's responsibility to insure that all parts of the tree preservation plan are transferred to each appropriate person concerned with the development project.

**(c) Contents**

- (1) The location of property lines, existing grades and proposed grades, location and widths of existing and proposed streets and alleys, utility easements, driveways, parkways, and sidewalks on or adjacent to the project;
- (2) Basic descriptive information regarding the vegetation type(s) that are within the existing tree area(s) and within those areas that are to be preserved, and
- (3) Tree protection notes, details and specifications that include the written and graphic information of acceptable and non-acceptable activities on the site and within the tree save areas to be preserved to meet the requirements for this standard.

(Ord. No. 97332 § 11)

**35-B126 Tree Permit-Woodlands Preservation Plan Option****(a) Number of Copies**

The applicant shall submit a tree preservation/affidavit application with three (3) sets of plans, surveys and/or drawings as provided herein.

**(b) Format**

A woodlands stand delineation shall be prepared in accordance with 35-478 by a landscape architect or certified arborist. The information provided herein may be derived from aerial photographs, topographic plans, or on-site surveys at the discretion of the applicant. The information shall be presented at a scale of one (1) inch equals four-hundred (400) feet (1"= 400').

**(c) Contents**

The woodlands stand delineation shall contain the following components:

- (1) A topographic or aerial map delineating intermittent and perennial streams, and steep slopes; and
- (2) The boundaries and a description of the species associations based upon the "Checklist of the Vascular Plants of Texas", version 2001, published by Texas A&M University, including species composition, stocking density, diameter distribution (if available), age class, and condition at the stand level; and
- (3) A computation of the amount of land covered by tree canopy, in acres; and
- (4) An estimate of the number of trees per acre; and
- (5) A map delineating critical wildlife habitat; and
- (6) A map delineating streamside management zones; and
- (7) Forest stand maps indicating species, location, and size of trees and showing dominant and co-dominant forest types.
- (8) A map of the site drawn at the same scale as the grading or subdivision plan;
- (9) A table listing the net area in square feet, the square foot area of woodlands conservation required for the site, and the square foot area of woodlands conservation provided by the applicant on-site and off-site, if applicable;
- (10) A clear graphic indication of the woodlands conservation provided on the site showing areas where both retention of existing woodland, by any and all methods, is planned;

- (11) An anticipated construction timetable, including the sequence for tree conservation procedures;
- (12) A reforestation plan with a timetable and description of needed site and soil preparation, species, size, and spacing to be utilized;
- (13) Locations and types of protective devices to be used during construction activities to protect areas of woodland designated for conservation;
- (14) Limits of disturbance delineated;
- (15) Stockpile areas delineated; and
- (16) A binding 2-year management agreement that details how the areas designated for forestation or reforestation will be maintained to ensure protection or satisfactory establishment including:
  - A. Watering; and
  - B. Reinforcement planting provisions if survival falls below required standards.

(Ord. No. 97332 § 12)

### **35-B127 Tree Permit-Public Project Preservation Plan**

#### **(a) Number of Copies**

A tree preservation plan shall consist of an aerial photograph (where applicable) and one (1) set of construction documents with the contents prescribed herein.

#### **(b) Format**

The aerial photograph and the construction documents shall be at a scale with sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it conforms to the requirements of this section. The plan shall be submitted on sheets of a size not to exceed thirty by forty-two inches (30" X 42"). A plan which cannot be drawn in its entirety on a single sheet shall be drawn with appropriate match lines on two (2) or more sheets with one (1) sheet illustrating the scope of the entire project.

#### **(c) Contents**

The tree preservation plan shall include the following information:

- (1) A current aerial photographs (where applicable) at a minimum of six (6) inch pixel with an overlay of the project alignment and all easements;

- 
- (2) A vicinity map, existing grades and proposed grades, location of project lines, and dimensions of the project rights-of-ways and/or all easements, and delineation of the proposed limit of clearance;
  - (3) Project name, street address, legal description, date, scale, north arrow and the names, addresses and telephone numbers of the person(s) preparing the plan;
  - (4) The location, species and size in diameter inches of each Significant or Heritage trees within the project area as defined in Section 35-523(d). Each tree is to be given a unique number which cross references or identifies the trees in the inventory;
  - (5) Location of any mitigation trees to be planted within the project area;
  - (6) Approximate centerlines of existing watercourses and the location of the 100-year floodplain; approximate location of significant drainage features and any major topographical features;
  - (7) The location and width of existing and proposed streets and alleys, utility easements, driveways, parkways, and sidewalks on or adjacent to the project;
  - (8) A summary table indicating the total number, diameter inches, and species of protected trees to be removed within the project area;
  - (9) Description of tree and tree clusters that may be impacted by any construction activity or fifteen (15) feet from any proposed improvements;
  - (10) Location and dimensions of all staging areas and/or designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment, and related items as well as stockpile areas for the storage of construction supplies and materials;
  - (11) For applications that require boring of utilities, show bore pit areas so that the minimum distance of the bore is outside the canopy of the trees or tree clusters and that the minimum depth of the bore shall be twenty-four (24) inches or greater; and
  - (12) Tree and understory preservation notes, specifications, and details.
- (Ord. No. 97332 § 13)

### **35-B128 Vested Rights Determination**

An Application for a vested rights determination shall be made by the applicant on a form established for such purpose and provided by the city and shall contain at least the following information:

- (a) Name and address of applicant;
- (b) Project description and name of subdivision or development, if applicable;

- (c) Location of development;
- (d) Total land area, in square feet;
- (e) Total area of impervious surface, in square feet;
- (f) Number of residential dwelling units, by type;
- (g) Type and amount of non-residential square footage;
- (h) Phases of the development, if applicable;
- (i) Verified or certified copies of all development permits, contracts, appraisals, reports, correspondence, letters, or other documents or materials upon which the applicant's claim for vested rights or equitable estoppel is based;
- (j) A sworn statement, in a form prescribed by the city, and signed by the applicant; and
- (k) A legal description of the property.

In addition to the required processing as set forth above, an application for consent agreement approval shall include, but shall not be limited to the following: a timing and phasing plan for the proposed development; a plan for the provision of public facilities and services to the proposed development, by phase; the conditions under which the proposed development will be authorized to proceed; and the conditions under which approvals or permits will lapse or may be revoked. A document shall be considered "verified" or "certified", whether an original or a copy, if it is signed by the official with decision making authority for the permit application.

(Ord. No. 97332 § 14)

### **35B-129 Historic Preservation Materials**

#### **(a) Certificate of Appropriateness**

An application for a certificate of appropriateness shall include the following:

- (1) Applications for new construction shall include preliminary plans with building elevations including:
  - A. Working scale drawings/specifications
  - B. Drawings 8½" x 11" reproducible sheets
  - C. Scale site plan
  - D. Photographs of building site for new construction
  - E. Paint samples with brand name and number
  - F. Roofing material sample
  - G. Siding sample

- H. Letter of permission from property owner (if the applicant is not the owner)
- (2) Applications requesting an addition to an existing building shall include:
- A. Preliminary plans with building elevations
  - B. Scale drawing of addition in relation to structure
  - C. Working scale drawings/specifications
  - D. Scale site plan
  - E. Drawings 8½" x 11" reproducible sheets
  - F. Photographs of structure showing current appearance
  - G. Photographs of all exterior sides (include all four sides of building)
  - H. Colors (sample)
  - I. Letter of permission from property owner (if the applicant is not the owner)
- (3) Applications requesting the installation of signage shall include the following information:
- A. Working scale drawings/specifications
  - B. Scale drawing of sign in relation to structure
  - C. Scale site plan
  - D. Drawings 8½" x 11" reproducible sheets
  - E. Photograph of location of proposed signage on structure/property
  - F. Photographs of structure and all exterior sides affected by proposed work
  - G. Type of materials to be used for sign
  - H. Colors (samples) as applied to sign
  - I. Size/Style of lettering
  - J. Illumination plan
  - K. Letter of permission from property owner if the applicant is not the owner
- (4) Applications requesting the installation or erection of a fence shall include:
- A. Description of the type/design of fence
  - B. Scale of drawing of members with specifications
  - C. Scale site plan
  - D. Drawings 8½" x 11" reproducible sheets
  - E. Photographs of structure and all exterior sides affected by proposed work
  - F. Letter of permission from property owner if applicant is not the owner
- (5) Applications requesting the installation of driveways, sidewalks and parking lots shall include:
- A. Description of the type/design of driveway/sidewalk
  - B. Drawings 8½" x 11" reproducible sheets
  - C. Scale site plan
  - D. Photographs of structure, location and all exterior sides affected by proposed work
  - E. Landscaping plans (if any)
  - F. Colors (sample)
  - G. Letter of permission from property owner if the applicant is not the owner
- (6) Applications requesting repainting involving a color change shall include:



- A. Type of material
- B. Colors (sample)
- C. Description of design
- D. Photographs of structure and all exterior sides affected by proposed work
- E. Letter of permission from property owner if the applicant is not the owner

**(7)** Applications requesting reproofing involving a material/color change shall include:

- A. Type of material (sample or cut sheet)
- B. Colors (sample)
- C. Description of design
- D. Photographs of structure and all exterior sides affected by proposed work
- E. Letter of permission from property owner if the applicant is not the owner

**(8)** Applications involving the installation of landscaping shall include:

- A. Working scale drawings/specifications
- B. Scale site plan
- C. Drawings 8½" x 11" reproducible sheets
- D. List of plants or trees
- E. Photographs of structure and area to be landscaped
- F. Location of lighting, walkways, decking, pools, fountains, gazebos, or pool/equipment houses
- G. Letter of permission from property owner (if applicant is NOT owner)
- H. Sprinkler system (if any)

**(9)** Applications involving Swimming Pools, Fish Ponds or Fountains shall include:

- A. Working scale drawings/specifications
- B. Scale drawing in relation to structure
- C. Scale site plan
- D. Drawings 8½" x 11" reproducible sheets
- E. Type/design of swimming pool, fish pond and/or fountain
- F. Photographs of structure (all exterior sides) and area affected by proposed work
- G. Colors (sample)
- H. Letter of permission from property owner if the applicant is not the owner

**(9)** Gazebos - Bath House & Decking

- A. Working scale drawings/specifications
- B. Scale drawing in relation to structure
- C. Scale site plan
- D. Drawings 8½" x 11" reproducible sheets
- E. Photographs of structure (all exterior sides) and area affected by proposed work
- F. Colors (sample)
- G. Letter of permission from property owner if the applicant is not the owner

**(10)** Tennis Courts & Playgrounds

- A. Working scale drawings/specifications
- B. Scale drawing in relation to structure
- C. Scale site plan
- D. Drawings 8½" x 11" reproducible sheets
- E. Photographs of structure (all exterior sides) and area affected by proposed work
- F. Colors (sample)
- G. Letter of permission from property owner (if the applicant is not the owner)

**(11) Dumpsters, Air Conditioning, Water Coolers, And Other Mechanical Systems**

- A. Scale site plan
- B. Scale drawing of screening plan
- C. Photographs of structure and installation sites
- D. Location of condensers, transformers, or other systems in relation to building(s) and adjacent properties
- E. Underground utility plan
- F. Letter of permission from property owner if applicant is not the owner

**(b) Demolition**

Applications requesting demolition shall include:

- (1)** Photographs of structure
- (2)** Scale site plan
- (3)** Proposed use after demolition (conceptual plan)
- (4)** Letter of permission from property owner (if applicant is NOT owner)

The application shall include a demolition form as follows:

**CITY OF SAN ANTONIO  
HISTORIC PRESERVATION & DESIGN OFFICE  
DEMOLITION FORM**

Date: \_\_\_\_\_

TO: Director of Development Services Department

Application for permit to demolish the structure located at: \_\_\_\_\_

NCB \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_ Zoning \_\_\_\_\_

Name of Property Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Business Telephone: \_\_\_\_\_ Home Telephone: \_\_\_\_\_

Name of Contractor: \_\_\_\_\_ License No.: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Business Telephone: \_\_\_\_\_ Home Telephone: \_\_\_\_\_

Approximate Date of Construction: \_\_\_\_\_

The structural frame is \_\_\_\_\_

Historic District \_\_\_\_\_ or Historic Landmark \_\_\_\_\_

Type of structure: (A) Commercial \_\_\_\_\_ (B) Residential \_\_\_\_\_ (C) Accessory \_\_\_\_\_

Why is structure to be demolished? \_\_\_\_\_

Submitted by:

Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**DISPOSITION OF REQUEST**

Permit to be issued: \_\_\_\_\_

Research to be done: \_\_\_\_\_

Referred to Historic and Design Review Commission: \_\_\_\_\_

Remarks or special recommendation where applicable: \_\_\_\_\_

\_\_\_\_\_  
Historic Preservation Officer  
PHOTOGRAPH OF BUILDING TO BE DEMOLISHED IS REQUIRED FOR CLEARANCE

\_\_\_\_\_  
Date

## **Tax Abatement Project**

Applications for a tax abatement project shall include the following information:

- (1) Land use category: Commercial or residential
- (2) A completed certification form or verification form consistent with the information required by § 35-618 and as set forth below:

## CITY OF SAN ANTONIO

APPLICATION FOR AD VALOREM TAX EXEMPTION  
FOR HISTORICALLY SIGNIFICANT PROPERTY IN NEED OF TAX RELIEFCERTIFICATION FORM

To be completed by the applicant, signed and filed with the City of San Antonio Historic Preservation Officer prior to hearing by the Historic and Design Review Commission.

DATE: \_\_\_\_\_ 20 \_\_\_\_\_  
NAME OF APPLICANT: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
BUSINESS TELEPHONE: \_\_\_\_\_  
NAME (S) OF PROPERTY OWNERS: \_\_\_\_\_

EXACT LEGAL DESCRIPTION OF PROPERTY AS CONTAINED IN DEED  
NCB \_\_\_\_\_ BLOCK NUMBER \_\_\_\_\_  
LOT(S) NUMBER \_\_\_\_\_ ZONING \_\_\_\_\_  
COMMON ACCOUNT NUMBER (AS PER BAD) \_\_\_\_\_  
ADDRESS OF PROPERTY FOR WHICH EXEMPTION IS REQUESTED: \_\_\_\_\_

Street Number and Name \_\_\_\_\_ Zip Code \_\_\_\_\_

Latest Value of Property as Assessed by the Bexar Appraisal District:  
Year: \_\_\_\_\_

Land Value	Improvements	Total
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To the Historic Preservation Officer, City of San Antonio, Texas:

The property identified above is in need of tax relief as set forth in City of San Antonio Ordinance No. 52281 and 52282. The historic significance of said property is certified by signature below, together with other documents covering the proposed restoration or rehabilitation:

1. One set of complete plans for restoration or rehabilitation
2. Statement of expected costs of improvements
3. The projected time schedule for restoration/rehabilitation
4. Proposed use: ( ) commercial ( ) residential
5. Signature below to allow designated officials to view property and records.

Submitted by: \_\_\_\_\_  
Applicant's Signature

**CITY OF SAN ANTONIO****APPLICATION FOR AD VALOREM TAX EXEMPTION  
FOR HISTORICALLY SIGNIFICANT PROPERTY ALREADY CERTIFIED AS IN NEED  
OF TAX RELIEF****VERIFICATION FORM**

To be completed by the applicant, signed and filed with the City of San Antonio Historic Preservation Officer prior to hearing by the Historic and Design Review Commission.

DATE: \_\_\_\_\_ 19 \_\_\_\_\_

CERTIFICATION DATE: \_\_\_\_\_ HDRC CASE NO. \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

BUSINESS TELEPHONE: \_\_\_\_\_

NAME (S) OF PROPERTY OWNERS: \_\_\_\_\_

EXACT LEGAL DESCRIPTION OF PROPERTY AS CONTAINED IN DEED

NCB \_\_\_\_\_ BLOCK NUMBER \_\_\_\_\_

LOT(S) NUMBER \_\_\_\_\_ ZONING \_\_\_\_\_

COMMON ACCOUNT NUMBER (AS PER BAD) \_\_\_\_\_

ADDRESS OF PROPERTY FOR WHICH EXEMPTION IS REQUESTED:

Street Number and Name

Zip Code

Documentation: Itemized List of Costs

Itemized List of Receipts

Final Building Inspection Clearance

(Permits or Certificate of Occupancy)

In accordance with City of San Antonio Ordinances No. 52281 and/or 52282, I hereby swear that substantial rehabilitation of the property listed has been completed according to the criteria and standards of the City of San Antonio Historic and Design Review Commission.

I hereby authorize duly constituted representatives of the City of San Antonio to make an investigation of the property in compliance with code requirements.

Signed \_\_\_\_\_

Property Owner

Date \_\_\_\_\_

**CITY OF SAN ANTONIO**

**APPLICATION FOR REPAIR/MAINTENANCE**

To be completed by the applicant, signed and filed with the City of San Antonio Historic Preservation Officer prior to final approval.

DATE: \_\_\_\_\_ 19 \_\_\_\_\_

PROPERTY LOCATION (STREET ADDRESS): \_\_\_\_\_

HISTORIC DISTRICT OR LANDMARK NAME: \_\_\_\_\_

EXACT LEGAL DESCRIPTION OF PROPERTY AS CONTAINED IN DEED

NCB \_\_\_\_\_ BLOCK NUMBER \_\_\_\_\_

LOT(S) NUMBER \_\_\_\_\_ ZONING \_\_\_\_\_

NAME OF PROPERTY OWNER: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

BUSINESS TELEPHONE: \_\_\_\_\_

HOME TELEPHONE: \_\_\_\_\_

NAME OF APPLICANT (IF DIFFERENT FROM OWNER) \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

BUSINESS TELEPHONE: \_\_\_\_\_

HOME TELEPHONE: \_\_\_\_\_

This form is used only for:

1. General repair, using same material and design as original with photographs of area where work is to be done.
2. Repainting with same color (paint sample must be attached to this application)
3. Reroofing using same type material and color.
4. Repair of sidewalk, driveways, or curbs.

Owner/Applicant is request permission to: (describe clearly and in detail all architectural alterations to be made in addition to other requests, an additional sheet may be used).

This form does not take the place of a building permit, which must be obtained from the Department of Development Services. The request will be reviewed by the Historic Preservation Officer prior to approval. Paint does not require a permit; however approval must be received and recorded in the Planning Department before proceeding. All repair/maintenance forms must be displayed on the job site.

Signed \_\_\_\_\_

Property Owner

\_\_\_\_\_  
Historic Preservation Officer

**(d) Miscellaneous**

All other applications shall include the following information:

- (1)** Preliminary plans with building elevations
- (2)** Working scale drawings/specifications
- (3)** Drawings 8½" x 11" reproducible sheets
- (4)** Scale site plan
- (5)** Photographs of building site for new construction
- (6)** Paint samples with brand name and number
- (7)** Roofing material sample
- (8)** Siding sample
- (9)** Letter of permission from property owner if the applicant is not the owner.

(Ord. No. 97332 § 15) (Ord. No. 98697 § 4)



**35-B130 Homeowners' Association Documentation**

Where a provision of this chapter requires or permits the formation of a homeowners' association to establish or to maintain a facility (e.g., parks/open space), the documentation establishing the homeowners' association shall include articles of incorporation and by-laws which conform substantially to the following:

**(a) Articles of Incorporation**

**ARTICLES OF INCORPORATION  
OF  
[NAME OF ASSOCIATION]  
HOMEOWNERS' ASSOCIATION, INC.**

The undersigned, being natural persons of the age of twenty-one (21) years or more, at least two of whom are citizens of the State of Texas, acting as incorporators of the corporation under the Texas Non-Profit Corporation Act (the "Act"), hereby adopts the following Articles of Incorporation for such corporation. All terms as used herein, such as (but not by way of limitation) "land", "Owners", "Lot", "Members", "Open Space", "Areas of Common Responsibility", "Declarant," "Addition" and "assessments" shall have the same meanings as set forth in the Declaration (as hereinafter defined) unless otherwise specified and defined herein.

**ARTICLE ONE**

The name of the corporation is [INSERT NAME], (hereinafter referred to as the "Association").

**ARTICLE TWO**

The Association is a non-profit corporation.

**ARTICLE THREE**

The period of its duration shall be perpetual.

**ARTICLE FOUR**

The Association is organized pursuant to the Act and does not contemplate pecuniary gain or profit to the Members thereof and is organized for non-profit purposes. The purposes for which the Association is formed are to provide for the maintenance, preservation and management of the land located in \_\_\_\_\_, which is an addition to the City of San Antonio, (the "City"), Bexar County (the "County"), Texas, as more fully described in that certain Declaration of Covenants, Conditions and Restrictions (the "Declaration") filed of record in the Real Property Records of the County, and any and all other property which is accepted from time to time by the Association for similar purposes, and to promote the health, safety and welfare of the residents within the land and any and all other property which is accepted by the Association for similar purposes. Without limiting the foregoing, the purposes of the Association shall include, without limitation, the following:

(a) The Association may exercise all of the powers and privileges and perform all of the duties and obligations of the Association, including cooperation with other homeowners' associations organized for the same or similar purposes in other subdivisions, as set forth in the Declaration, as same may be amended from time to time, the Declaration being incorporated herein by reference as if set forth at length herein.

(b) The Association may (i) fix, levy, collect and enforce payment of, by any lawful means, all charges or assessments pursuant to the terms of the Declaration and/or Bylaws, (ii) as agent, pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the Association including all licenses, taxes or governmental charges levied or imposed against the land of the Association, (iii) make disbursements, expenditures and payments on behalf of the said land owners as required by the Declaration and the Bylaws of the Association, and (iv) hold as agent for said land owners reserves for periodic repairs, maintenance and capital improvements to be made as directed by the land owners acting through the Board (as herein defined).

(c) The Association may acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association subject to the limitations, if any, set forth in the Declaration.

(d) The Association may borrow money, and with the required assent of voting Members as set forth in the Declaration, mortgage, pledge or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred, subject to the limitations, if any, set forth in the Declaration.

(e) The Association may provide management, upkeep, maintenance, repair, care of and general sanitation and cleanliness of the Areas of Common Responsibility and Open Space as provided in the Declaration.

(f) The Association may incur or assume obligations and duties to the City or any other governmental authority, regarding the development, operation and maintenance of the Areas of Common Responsibility and Open Space and any improvements within the Areas of Common Responsibility and Open Space.

(g) The Association may enter into, incur or assume obligations and duties under escrow agreements or other escrow arrangements with the City or other governmental authorities, to provide or escrow funds to pay for the operation, maintenance and repair of the Areas of Common Responsibility and Open Space and any improvements owned by the Association.

(h) The Association may enter into and perform any contract and exercise all powers which may be necessary or convenient to the operation, management, maintenance and administration of the affairs of the Association in accordance with the Declaration.

(i) The Association may dedicate, sell or transfer all or any part of the Areas of Common Responsibility or Open Space to any public agency, authority or utility company for such purposes and subject to such conditions as may be agreed to by the Members; provided, however, that no such dedication, sale or transfer shall be effective unless an instrument has been recorded after it has been signed by the requisite number of voting Members agreeing to such dedication, sale or transfer as provided in the Declaration.

(j) The Association may participate in mergers and consolidations with other non-profit corporations organized for the same purposes or annex additional residential property and Areas of Common Responsibility or Open Space, provided that any such merger, consolidation or annexation shall have the assent of the Owners representing the requisite number of votes of voting Members as provided in the Declaration.

(k) The Association may have and exercise any and all powers, rights and privileges a corporation organized under the Act may now or hereafter exercise, including any other powers, rights or privileges described in the Declaration.

The foregoing enumeration of specific purposes shall not be held to limit or restrict in any manner the powers of this Association conferred by the laws of the State of Texas and shall be understood to be in furtherance of, and in addition to, such general powers conferred on non-profit corporations under the provisions of the Texas Non-Profit Corporation Act.

#### ARTICLE FIVE

Every record owner of a fee or undivided fee interest in any Lot included in the Declaration shall be a member of the Association. Membership shall be appurtenant to and shall not be separated from ownership of a Lot. Every member shall have the right at all reasonable times during business hours to inspect the books of the Association. The foregoing is not intended to include persons or entities holding an interest in a Lot merely as security for the performance of an obligation. Transfer of ownership either voluntarily or by operation of law, shall terminate such Owners' membership in the Association, and membership shall be vested in the transferee; provided, however, that no such transfer shall relieve or release such Owner from any personal obligation with respect to the assessments which have accrued prior to such transfer.

#### ARTICLE SIX

[Establish classes of voting membership and voting regulations, e.g., no cumulative voting.]

#### ARTICLE SEVEN

[Insert street address of registered office of Association and name of its initial registered agent.]

#### ARTICLE EIGHT

Subject to the terms of the Declaration, the Members of the Association shall elect the Board of Directors of the Association (the "Board"), and the Board shall, [establish qualifying vote], conduct all of the business of the Association, except when membership votes are required pursuant to the Declaration, the Articles of Incorporation, or the Bylaws of the Association.

The number of Directors constituting the initial Board is \_\_\_\_\_ (\_\_\_), and the names and addresses of the persons who are to serve as the initial members of the Board are:

Name

Address

[insert]

[insert]

The Board may make whatever rules and bylaws it deems desirable to govern the Association and its Members; provided, however, any conflict between such bylaws and the provisions hereof shall be controlled by the provisions of the Declaration.

## ARTICLE NINE

[Establish rules of liability and/or indemnity for Directors.]

## ARTICLE TEN

The Association may be dissolved with the assent given in writing and signed by not less than \_\_\_\_\_ (\_\_\_\_) of each class of voting Members. Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be conveyed to either (a) another non-profit Texas corporation, association, trust or other organization devoted to purposes similar to those of the Association, or (b) an appropriate governmental agency to be used for purposes similar to those for which the Association was created. In the event such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any non-profit corporation, association, trust or other organization to be devoted to such similar purposes.

## ARTICLE ELEVEN

Amendment of these Articles shall require the assent of the requisite number of votes of the voting Members as set forth in the Declaration.

## ARTICLE TWELVE

As long as there is a Class B membership, the prior approval of the Federal Housing Administration ("FHA"), the Veterans Administration ("VA") and/or the U.S. Department of Housing and Urban Development ("HUD") (if FHA or VA has approved the Lots located in the Addition and is insuring mortgages of buyers of homes located in the Addition) shall be required for (a) annexation of additional properties under the Declaration, (b) mergers and consolidations of the Association, (c) mortgaging of the Areas of Common Responsibility or Open Space, (d) dedication of the Areas of Common Responsibility or Open Space to any governmental authority, (e) dissolution of the Association, or (f) amendment of these Articles if such amendments affects or alters any provisions of the Declaration directly governed or regulated by the FHA or VA.

## ARTICLE THIRTEEN

The name and address of each incorporator is set forth in Article Eight hereinabove.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
[Name]  
Incorporator

[Name]  
Incorporator

\_\_\_\_\_  
[Name]  
Incorporator

STATE OF TEXAS           §  
                                     §  
COUNTY OF BEXAR   §

Before me, a notary public, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS           §  
                                     §  
COUNTY OF BEXAR   §

Before me, a notary public, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS                   §  
   §  
COUNTY OF BEXAR   §

Before me, a notary public, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

**(b) By-Laws**

**BYLAWS OF**

**[INSERT NAME OF ASSOCIATION]  
HOMEOWNERS' ASSOCIATION, INC.  
(A Texas Non-Profit Corporation)**

**ARTICLE I**

**DEFINITIONS**

**1.01. Definitions.**

(a) All terms used herein, such as (but not by way of limitation) "owners", "lot", "land", "Areas of Common Responsibility", "Declarant", and "assessments" shall have the same meanings as set forth in that certain Declaration of Covenants, Conditions and Restrictions filed of record as instrument number \_\_\_\_\_ of the Real Property Records of Bexar County, Texas;

(b) "Act" shall refer to the Texas Non-Profit Corporation Act, as amended from time to time.

**ARTICLE II**

**NAME**

2.01. Name. The name of this corporation shall be \_\_\_\_\_ Homeowners' Association, Inc. (hereinafter called the "Association").

ARTICLE III

OFFICES OF THE ASSOCIATION

3.01. Principal Office. The initial principal office of the Association shall be located at \_\_\_\_\_, but meetings of members and directors may be held at such place within the State of Texas as may be designated by the Board of Directors.

3.02. Other Offices. The Association may also have offices at such other places both within and without the State of Texas as the Board of Directors may from time to time determine or as the business of the Association may require.

ARTICLE IV

ASSOCIATION RESPONSIBILITIES AND  
MEETINGS OF MEMBERS

4.01. Association Responsibilities. The members will constitute the Association, which shall be responsible for administering and enforcing the covenants, conditions and restrictions contained in the Declaration, including with respect to the collection and disbursement of charges and assessments as provided therein, and coordinating with other homeowners' associations in the adjacent subdivisions in administering and enforcing such covenants, conditions and restrictions through their respective boards of directors. In the event of any dispute or disagreement between any members relating to the land, or any questions of interpretation or application of the provisions of the Declaration, Articles of Incorporation or these Bylaws, such dispute or disagreement shall be submitted to the Board of Directors of the Association. The resolution of such dispute or disagreement by such Board of Directors shall be binding on each and all such members, subject to the right of members to seek other remedies provided by law after such determination by such Board of Directors.

4.02. Place of Meeting. Meetings of the Association shall be held at such suitable place, reasonably convenient to the members, within the State of Texas, County of Bexar, as the Board of Directors may determine.

4.03. Annual Meetings. The first meeting of the Association shall be held within one (1) year from the date of incorporation of the Association, and each subsequent regular annual meeting of the members shall be held on the same day of the same month of each year thereafter unless otherwise determined by the Board. At such meetings, there shall be elected a Board of Directors by ballot of the members in accordance with the requirements of Article V of these Bylaws. The members may also transact such other business of the Association as may properly come before them at such meeting. If the day for the annual meeting of the members is a legal holiday, the meeting will be held at the same hour on the first day following such day which is not a legal holiday.

4.04. Special Meetings. It shall be the duty of the President of the Association to call a special meeting of the members as directed by resolution of the Board of Directors or upon receipt of a written request of members entitled to vote at least \_\_\_\_\_ (\_\_) of all of the votes of either class of membership. No business except as stated in the notice shall be transacted at a special meeting of the members. Any such meetings shall be held after the first annual meeting and shall be held within \_\_\_\_\_ (\_\_) days after receipt by the President of such request or petition.



4.05. Notice of Meetings. Written or printed notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered by the Secretary or Assistant Secretary of the Association not less than \_\_\_\_\_ (\_\_\_) nor more than \_\_\_\_\_ (\_\_\_) days before the date of the meeting, either personally or by mail, to each member of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail, addressed to the member at his address as it appears on the books of the Association, with postage thereon prepaid. Business transacted at any special meeting shall be confined to the purposes stated in the notice or waiver thereof.

4.06. Quorum. The holders of \_\_\_\_\_ (\_\_\_) of the votes of each class of membership, represented in person or by proxy, shall constitute a quorum for any meetings of members except as otherwise provided in the Articles of Incorporation, the Declaration or the Bylaws. If, however, such quorum shall not be present or represented at any meeting of the members, the members present, or represented by proxy, shall have the power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or be represented. At such adjourned meeting at which a quorum shall be present or represented, any business may be transacted which may have been transacted at the meeting as originally notified.

4.07. Proxies. At all meetings of members, each member may vote in person or by proxy. All proxies shall be in writing and shall be filed with the Secretary of the Association. Every proxy shall be revocable and shall automatically cease upon conveyance by a member of his lot.

4.08. Voting by Association and Members. The Association shall not be a voting member of the Association by virtue of its ownership of any lot. Each member may vote the number of votes and in the manner set forth in the Declaration and Articles of Incorporation.

4.09. Order of Business. The order of business at all meetings of the Members shall be as follows:

- (a) roll call and certifying proxies;
- (b) proof of notice of meeting or waiver of notice;
- (c) reading and disposal of unapproved minutes of prior meetings;
- (d) reports of officers;
- (e) reports of committees;
- (f) election of directors;
- (g) unfinished business;
- (h) new business; and
- (i) adjournment.

4.10. Membership List. The officer or agent having charge of the membership books shall make, at least \_\_\_\_ (\_\_) days before each meeting of members, a complete list of the members entitled to vote at such meeting or any adjournment thereof, arranged in alphabetical order, with the address of and number of votes held by each, which list, for a period of \_\_\_\_ (\_\_) days prior to such meeting, shall be kept on file at the principal office of the Association, and shall be subject to inspection by any member at any time during usual business hours. Such list shall also be produced and kept open at the time and place of the meeting, and shall be subject to the inspection of any member during the whole time of the meeting. The original member books shall be prima facie evidence as to who are the members entitled to examine such list or to vote at any such meeting of members.

4.11. Action Taken Without a Meeting. Any action required by statute to be taken at an annual or special meeting of the members, or any action which is otherwise permitted by law or by these Bylaws, may be taken without a meeting, without prior notice and without a vote, if a consent in writing, setting forth the action so taken, shall be signed by all of the members entitled to vote with respect to the subject matter thereof, and such consent shall have the same force and effect as a unanimous vote of members. Subject to the provisions required or permitted by statute for notice of meetings, unless otherwise restricted by the Articles of Incorporation or these Bylaws, the members may participate in and hold a meeting by means of telephone conference or similar communications equipment by which all persons participating in the meeting can hear each other.

## ARTICLE V

### BOARD OF DIRECTORS

5.01. Number and Qualification. Until the first meeting of the Association, the affairs of the Association shall be governed by a Board of Directors consisting of the three (3) persons delineated in the Articles of Incorporation of the Association. At such first meeting, there shall be elected three (3) directors to the Board of Directors who shall thereafter govern the affairs of the Association until their successors have been duly elected and qualified.

5.02. Powers and Duties. The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association and for the operation and maintenance of the land in keeping with the character and quality of the area in which it is located. The business and affairs of the Association shall be managed by or under the direction of the Board of Directors which may exercise all such powers of the Association and do all such lawful acts and things as are not by statute, the Articles of Incorporation, these Bylaws or the Declaration directed or required to be exercised or done by the members.

5.03. No Waiver of Rights. The omission or failure of the Association or any member to enforce the covenants, conditions, restrictions, easements, uses, liens, limitations, obligations or other provisions of the Declaration, these Bylaws or the rules and regulations adopted pursuant thereto or hereto, shall not constitute or be deemed a waiver, modification or release thereof, and the Board of Directors shall have the right to enforce the same at any time thereafter.

5.04. Election and Term of Office. At the first meeting of the Association, the term of office for three (3) Directors shall be fixed at one (1) year. At the expiration of the initial term of office of each respective Director, his successor shall be elected to serve a term of one (1) year. The Directors shall hold office until their successors have been elected and hold their first meeting, except as is otherwise provided herein.

5.05. Vacancies. Vacancies in the Board of Directors caused by death, resignation or disqualification (i.e., by any reason other than the removal of a Director by a vote of the Association as set forth in Section 5.06 hereof) shall be filled by vote of the majority of the remaining Directors, even though they may constitute less than a quorum, and each person so elected shall be a Director until his successor is elected at the next annual meeting of the Association to serve out the unexpired term (if any) of his predecessor in office. Vacancies in the Board of Directors caused by a removal of a Director by a vote of the Association shall be filled in the manner set forth in Section 5.06 hereof.

5.06. Removal of Directors. At any annual or special meeting of the Association duly called, any one or more of the Directors may be removed with or without cause by the affirmative vote of a majority of members of each class entitled to vote who are present at a meeting at which a quorum is present, and a successor may then and there be elected to fill the vacancy thus created. Any Director whose removal has been proposed by the members shall be given an opportunity to be heard at the meeting.

5.07. Organizational Meeting. The first meeting of each newly elected Board of Directors shall be held at such time and place as shall be fixed by the vote of the members at the annual meeting, and no notice of such meeting shall be necessary to the newly elected directors in order legally to constitute the meeting, provided a quorum shall be present. In the event of the failure of the members to fix the time and place of such first meeting of the newly elected Board of Directors, or in the event such meeting is not held at the time and place so fixed by the members, the meeting shall be held within \_\_\_\_\_ (\_\_) days after the annual meeting of the members at such place as shall be fixed by the Directors at the meeting at which such Directors were elected, and no notice shall be necessary to the newly elected Directors in order to legally constitute such meeting, provided a quorum of the Board of Directors shall be present.

5.08. Regular Meetings. Regular meetings of the Board of Directors may be held at such time and place as shall be determined, from time to time, by a majority of the Directors, but at least one (1) such meeting shall be held during each calendar year. Notice of regular meetings of the Board of Directors shall be given to each Director, personally or by mail, telephone or telegraph, at least \_\_\_\_\_ (\_\_) days prior to the day named for such meeting.

5.09. Special Meetings. Special meetings of the Board of Directors may be called by the President upon \_\_\_\_\_ (\_\_) days' notice to each Director, given personally or by mail, telephone or telegraph, which notice shall state the time, place and purpose of the meeting. Special meetings of the Board of Directors shall be called by the President, Secretary or Assistant Secretary of the Association in like manner and on like notice on the written request of one (1) or more Directors.

5.10. Meeting by Telephonic Means. Members of the Board of Directors may participate in a meeting by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this Section 5.10 shall constitute presence in person at the meeting.

5.11. Waiver of Notice. Before or after any meeting of the Board of Directors, any Director may, in writing, waive notice of such meeting and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a Director at any meeting of the Board of Directors shall be a waiver of notice by him of the time and place thereof. If all of the Directors are present at any meeting of the Board of Directors, no notice shall be required and any business may be transacted at such meeting.

5.12. Board of Directors' Quorum. At all meetings of the Board of Directors, a majority of the Directors in office shall constitute a quorum for the transaction of business, and the acts of the majority of

the Directors present at a meeting at which a quorum is present shall be the acts of the Board of Directors. Directors present by proxy may not be counted toward a quorum. If, at any meeting of the Board of Directors, there is less than a quorum present, the majority of those present may adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present. At any such adjourned meeting, any business which might have been transacted at the meeting as originally called may be transacted without further notice.

5.13. Compensation. No member of the Board of Directors shall receive any compensation for acting as such.

5.14. Action Taken Without a Meeting. The Directors shall have the right to take any action in the absence of a meeting which they could take at any meeting by obtaining the written approval of all the Directors. Any action so approved shall have the same effect as though taken at a meeting of the Directors.

5.15. Nomination and Election of Directors. Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board of Directors, and two or more members or representatives of a member of the Association. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting of the members, to serve from the close of such annual meeting until the close of the next annual meeting and such appointment shall be announced at each annual meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. Such nominations may be made from members or non-members. The appropriate number of members of the Board of Directors shall be elected at the annual meeting of members of the Association, which members of the Association shall vote the number of votes and in the manner set forth in the Declaration and the Articles of Incorporation.

## ARTICLE VI

### OFFICERS

6.01. Designation. The officers of the Association shall be a President, one (1) or more Vice-Presidents, a Secretary and a Treasurer, all of whom shall be elected by the Board of Directors, and such assistant officers as the Board of Directors shall, from time to time, appoint. Such officers need not be members of the Board of Directors. The office of President and Treasurer may be held by the same person, and the office of Vice-President and Secretary or Assistant Secretary may be held by the same person.

6.02. Election of Officers. The officers of the Association shall be elected annually by the Board of Directors at the annual meeting of the Board of Directors, and such new officers shall hold office subject to the continuing approval of the Board of Directors.

6.03. Resignation and Removal of Officers. Upon an affirmative vote of a majority of the members of the Board of Directors, any officer may be removed, either with or without cause, and his successor appointed at any regular or special meeting of the Board of Directors called for such purpose. An officer may resign at any time by giving written notice to the Board of Directors, the President or the Secretary. Such resignation shall take effect on the date such notice is received, or at any later time specified therein. Unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

6.04. Vacancies. A vacancy in any office due to the death, resignation, removal or other disqualification of the officer previously filling such office may be filled by appointment by the Board of Directors. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

6.05. President. The President shall be the chief executive officer of the Association. He shall preside at all meetings of the Association and of the Board of Directors. He shall have all of the general powers and duties which are usually vested in the office of president of an association, including but not limited to the power to appoint committees from the members from time to time as he may in his discretion decide is appropriate to assist in the conduct of the affairs of the Association, or as may be established by the Board of Directors or by the members of the Association at any annual or special meetings.

6.06. Vice-President. The Vice-President shall have all the powers and authority and perform all the functions and duties of the President in the absence of the President or his inability for any reason to exercise such powers and functions or perform such duties, and shall also perform any duties he is directed to perform by the President.

6.07. Secretary. (a) The Secretary shall keep all of the minutes of the meetings of the Board of Directors and the Association. The Secretary shall have charge of such books and papers as the Board of Directors may direct, and shall, in general, perform all the duties incident to the office of Secretary as provided in the Declaration, Bylaws and Articles of Incorporation.

(b) The Secretary shall compile and keep up to date at the principal office of the Association a complete list of the members and their last known addresses as shown on the records of the Association. Such list shall be open to inspection by members and other persons lawfully entitled to inspect the same at reasonable times during regular business hours.

6.08. Assistant Secretary. The Assistant Secretary, if any, shall have all the powers and authority to perform all the functions and duties of the Secretary in the absence of the Secretary or in the event of the Secretary's inability for any reason to exercise such powers and functions or to perform such duties, and also to perform any duties as directed by the Secretary.

6.09. Treasurer. (a) The Treasurer shall have custody of and be responsible for Association funds and for keeping full and accurate accounts of all receipts and disbursements in books belonging to the Association. The Treasurer shall deposit all monies and other valuable effects in the name and to the credit of the Association in such depositories as may from time to time be designated by the Board of Directors.

(b) The Treasurer shall disburse the funds of the Association as may be ordered by the Board of Directors, taking proper vouchers for such disbursements, and shall render to the President and the Board of Directors at its regular meetings, or when the Board of Directors so requires, an account of all his transactions as Treasurer, and of the financial condition of the Association.

## ARTICLE VII

### INDEMNIFICATION OF OFFICERS AND DIRECTORS

[Insert rules for indemnification.]

## ARTICLE VIII

### AMENDMENTS TO BYLAWS

8.01. Amendment to Bylaws. These Bylaws may be amended at a regular or special meeting of the members by a vote of a majority of a quorum of members in good standing and present in person or by proxy; provided, however, that such authority may be delegated by the majority of such members to the Board of Directors if allowed by the Act. In connection therewith, the Federal Housing Administration (☐FHA☐), the Veterans Administration ("VA") and/or the U.S. Department of Housing and Urban Development (☐HUD☐) shall have the right to veto any amendments to these Bylaws as long as there is a Class B membership but only if the FHA or VA has approved the subdivision and has insured any mortgages secured by first liens on the lots and houses in the subdivision. In the case of any conflict between the Articles of Incorporation and these Bylaws, the Articles shall control, and in the case of any conflict between the Declaration and these Bylaws, the Declaration shall control.

## ARTICLE IX

### EVIDENCE OF OWNERSHIP, REGISTRATION OF MAILING ADDRESS

9.01. Proof of Ownership. Except for those owners who purchase a lot from Developer, any person, on becoming an owner of a lot, shall furnish to the Board of Directors a true and correct copy of the original or a certified copy of the recorded instrument vesting that person with an interest or ownership in the lot, which copy shall remain in the files of the Association. A member shall not be deemed to be in good standing nor shall he be entitled to vote at any annual or special meeting of members unless this requirement is first met.

9.02. Registration of Mailing Address. The owner or several owners of a lot shall have the same registered mailing address to be used by the Association for mailing of monthly statements, notices, demands and all other communications, and such registered address shall be the only mailing address of a person or persons to be used by the Association. Such registered address of an owner or owners shall be deemed to be the mailing address of the lot owned by said owner or owners unless a different registered address is furnished by such owner(s) to the Board of Directors within \_\_\_\_\_ (\_\_) days after transfer of title, or after a change of address. Such registration shall be in written form and signed by all of the owners of the lot or by such person(s) as are authorized by law to represent the interest of all of the owner(s) thereof.

## ARTICLE X

### GENERAL

10.01. Assessments and Liens. As more fully provided in the Declaration, each Member shall pay to the Association annual and special assessments which are secured by a continuing lien upon the lot against which the assessment is made.



10.02. Abatement and Enjoinment. The violation of any rule or regulation, or the breach of any Bylaw or any provision of the Declaration, shall give the Board of Directors the right, in addition to any other rights set forth in the Declaration or herein, to enjoin, abate or remedy by appropriate legal proceedings, either at law or in equity, the continuance of such violation or breach.

10.03. Committees. The Association may appoint an Architectural Control Committee, subject to the terms of and as provided in the Declaration, and a Nominating Committee, as provided in these Bylaws. In addition, the Board of Directors shall appoint other committees as deemed appropriate in carrying out its purpose.

10.04. Books and Records. The books, records and accounts of the Association shall, at reasonable times upon reasonable written notice, be subject to inspection by any member at such member's sole cost and expense. The Declaration, the Articles of Incorporation and the Bylaws of the Association shall be available for inspection by any member at the principal office of the Association, and copies of such documents may be purchased from the Association at a reasonable cost.

10.05. Non-Profit Association. This Association is not organized for profit. No member of the Association, member of the Board of Directors, officer or person from whom the Association may receive any property or funds shall receive or shall be lawfully entitled to receive any pecuniary profit from the operation thereof, and in no event shall any part of the funds or assets of the Association be paid as salary or compensation to, or distributed to, or inure to the benefit of, any member of the Board of Directors, officer or member; provided, however, that (a) reasonable compensation may be paid to any member, Director or officer while acting as an agent or employee of a third party for services rendered to the Association in effecting one or more of the purposes of the Association, and (b) any member, Director or officer may, from time to time, be reimbursed for his actual and reasonable expenses incurred in connection with the administration of the affairs of the Association.

10.06. Execution of Documents. The persons who shall be authorized to execute any and all contracts, documents, instruments of conveyance or encumbrances, including promissory notes, shall be the President or any Vice President, and the Secretary or any Assistant Secretary, of the Association.

10.07. Proxy for Beneficiary or Mortgagee Under Deed of Trust. Owners shall have the right to irrevocably constitute and appoint their Mortgagees their true and lawful attorney to vote their lot membership in this Association at any and all meetings of the Association and to vest in such beneficiary or his nominees any and all rights, privileges and powers that they have as owners under the Bylaws of this Association or by virtue of the Declaration. Such proxy shall become effective upon the filing of a notice by the beneficiary with the Secretary or Assistant Secretary of the Association at such time or times as the beneficiary shall deem its security in jeopardy by reason of the failure, neglect or refusal of the Association or the owners to carry out their duties as set forth in the Declaration. Such proxy shall be valid until such time as a release of the beneficiary's deed of trust is executed and a copy thereof delivered to the Secretary or Assistant Secretary of the Association, which shall operate to revoke such proxy. Such proxy may be terminated prior to such revocation by the beneficiary's delivering written notice of such termination to the Secretary or Assistant Secretary of the Association. Nothing herein contained shall be construed to relieve owners of, or to impose upon the beneficiary of the Deed of Trust, the duties and obligation of an owner.

10.08. Conflicting or Invalid Provisions. Notwithstanding anything contained herein to the contrary, should all or part of any Article or Section of these Bylaws be in conflict with the provisions of the Act or any other Texas law, such Act or law shall control, and should any part of these Bylaws be

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invalid or inoperative for any reason, the remaining parts, so far as is possible and reasonable, shall be valid and operative.

10.09. Notices. All notices to members of the Association shall be given by delivering the same to each owner in person or by depositing the notices in the U.S. Mail, postage prepaid, addressed to each owner at the address last given by each owner to the Secretary of the Association. If an owner shall fail to give an address to the Secretary for mailing of such notices, all such notices shall be sent to the street address of the lot of such owner. All owners shall be deemed to have been given notice of the meetings upon the proper mailing of the notices to such addresses irrespective of the actual receipt of the notices by the owners.

10.10. Fiscal Year. The fiscal year of the Association shall begin on the first day of January and end on the 31st day of December of every year, except that the first fiscal year shall begin on the date of incorporation of the Association.